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SUMMARY
OF THE
ADMINISTRATION
OF
THE EARL OF MINTO,
VICEROY AND GOVERNOR GENERAL OF INDIA,
IN THE
HOME DEPARTMENT.
NOVEMBER 1905 TO NOVEMBER 1910.



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TABLE OF CONTENTS.

CHAPTER I—INTRODUCTORY.

	PAGE.
1. Assumption of Office of Viceroy and Governor General	1
2. Members of Council	2
3. Home Department Members of Council	3
4. Extraordinary Member of Council	3
5. Home Department Secretaries	3
6. Home Department Deputy Secretaries	3
7. Home Department Under Secretaries	4

CHAPTER II—POLITICAL MOVEMENTS.

1. Anti-British agitation. Some of its causes and means of expression	5
The revolutionary society in London and on the continent	5
2. Agitation against the partition of Bengal. The boycott and national volunteers movements	5
3. Resignation of Sir Bampfylde Fuller, Lieutenant-Governor of Eastern Bengal and Assam	6
4. Spread of the boycott in 1907. Disturbances in Eastern Bengal and Assam	6
5. Agitation in the Punjab. Disturbances at Lahore and Rawalpindi	7
Deportation of Lajpat Rai and Ajit Singh under Regulation III of 1818, and their subsequent release	7
6. Disturbances in the Madras Presidency	7
7. Riots in Calcutta	8
Attempts to assassinate the Lieutenant-Governor of Bengal and the District Magistrate of Dacca	8
8. Further disturbances in Eastern Bengal	8
Attempt to assassinate the Maire of Chandernagore	9
Bomb outrage at Muzaffarpur	9
Discovery of a revolutionary conspiracy in Calcutta	9
9. Riots in Bombay and the Central Provinces	9
Further bomb outrages	10
Revolutionary conspiracy at Midnapore	10
10. Further attempt to assassinate the Lieutenant-Governor of Bengal. A sub-Inspector of Police murdered in Calcutta	10
Growth of secret revolutionary associations	10
Deportation of nine prominent agitators in Bengal and Eastern Bengal and Assam	10
Revolutionary associations proscribed under the Criminal Law Amendment Act	11
11. Events of 1909	11
Assassination of the Public Prosecutor in the Alipore conspiracy case	11
Conspiracies in Gwalior, the Deccan, and Mymensingh	11
A further cleavage of parties. Dissociation of the party of violence from the general agitation	11
Murder of Sir W. Curzon Wyllie and Dr. Lalkaka in London	11
Attempted assassination of His Excellency the Viceroy	12
Murder of the Collector of Nasik	12
Murder of Khan Bahadur Shamsul Alam	12

	PAGE.
12. Political dacoities in Bengal and Eastern Bengal	12
13. Release of the Bengal deportees	13
Inception of the Howrah-Sibpur conspiracy case	13
14. Termination of the Alipore conspiracy case	13
15. Seditious meetings prohibited in Eastern Bengal and the Punjab ...	13
16. Attempt of revolutionaries to tamper with the 10th Jat regiment ...	13
17. Further conspiracies in Bengal and Eastern Bengal and Assam. Punitive measures adopted	14
The Dacca conspiracy trial	14
Attempted assassination of an Inspector of Police at Dacca and discovery of bombs	14
Revolutionary societies discovered in East Khandesh, Aundh and Sholapur ...	14
18. Reflection of political movements in the Indian National Congress ...	14
Its disruption in 1907	15
Its subsequent decline in interest and authority	15
19. Students involved in agitation. National Council of Education and national schools	15
Sedition encouraged in national schools	15
National schools in Western India	15
The <i>Samartha Vidyalaya</i> proscribed as an unlawful association	16
The <i>Arya Samaj Gurukul</i> at Hardwar	16
20. Malevolent tone of the press. Newspaper prosecutions	16
21. Sanction of the Government of India required to proposed prosecutions for sedition	17
22. Proceedings against newspapers in 1907	17
The orders requiring the prior sanction of the Government of India withdrawn ...	17
23. Prosecutions in 1908. The Newspapers (Incitements to Offences) Act passed...	17
24. Some improvement in 1909	18
25. Evil influence of the press manifest in continuance of outrages. The Press Act of 1910	18
26. Subsidies to loyal vernacular journals	19
27. Prosecutions for seditious speeches, etc. The Regulation of Meetings Ordinance of 1907 and subsequent Seditious Meetings Act	19
28. Sedition prosecutions in 1908	19
29. Sedition prosecutions in 1909	19
30. Sedition prosecutions in 1910	20
31. Inflammatory literature imported from abroad. Orders of prohibition ...	20
Objectionable dramatic performances	20
32. Dissemination of revolutionary literature among school boys. Measures taken to check it	20
33. Theft of arms and explosives	20
34. The political situation reviewed in a circular of March 1910	21
35. Special legislative measures	21

CHAPTER III.—CONSTITUTIONAL REFORMS.

(a) Growth of Legislative Councils	22—33
(b) Reforms in Executive Councils	33—34
(c) Executive Councils of Governors and Lieutenant-Governors...	34—35
(d) Executive Council for the Lieutenant-Governor of Bengal	36

CHAPTER IV.—ADMINISTRATIVE.

	PAGE.
1. Rules fixing the allowances for equipment and voyage of the Governor-General and certain other high officers	27
2. Governorships of Madras and Bombay	37
3. Lieutenant-Governorships	37
4. Chief Commissionership of the Central Provinces	38
5. Tour expenses of the Chief Commissioner, Central Provinces	38
6. Leave taken by Members of Council and Lieutenant-Governors	39
7. Leave and leave allowances of an Ordinary Member of Council resigning office upon nomination to another high office	39
8. Strength, recruitment and state of the Indian Civil Service	40
9. Pension rules of Members of the Indian Civil Service	42
10. Indian Civil Service Family pension regulations	42
11. Punjab Commission	42
12. Burma Commission	43
13. Eastern Bengal and Assam Commission	44
14. Central Provinces Commission	46
15. Financial Commissioner, Central Provinces	46
16. Salary of the Private Secretary to the Viceroy	48
17. Special appointments	48
18. Members and Secretaries of the Board of Revenue, Bengal	51
19. Listed posts	52
20. Provincial and subordinate Civil Services	55
21. Secretariat and clerical appointments	57
22. Burma Secretariat	62
23. Territorial changes	62
Proposed partition of the Mymensing and Midnapore Districts and provision of Additional District Magistrates in Eastern Bengal and Assam and Bengal	65
Abolition of the rule restricting the grant of acting allowance for the first thirty days in a privilege leave vacancy	66
24. Travelling allowances	66
26. Memorial of the Punjab Hindu Sabha, Lahore	67
27. Eligibility of subjects of Native States for employment in Imperial Services India	68
28. Grant of leave to military officers in temporary civil employ	68
29. Assistant to the Collector of Bombay	68
30. Assistant Resident in Travancore and Cochin	69
31. Local allowances	69
32. Miscellaneous	70
33. Indian Civil Service Examination	71
34. Examinations	72
35. Changes in the Indian Civil Service Examination	72
Study of vernacular languages in England by selected candidates for the Indian Civil Service... ..	72
36. Scheme for the legal training of Civilians in England	72
37. Changes made in departmental examinations	73
38. Language examinations. Changes in the system of conducting the higher and lower standard examinations in Hindustani	74
39. Frontier language examinations	77

40. Powers of the Government of India to sanction language examination rules and to grant rewards	77
41. Board of Examiners, Calcutta	77

CHAPTER V—JUDICIAL.

1. Criminal Procedure Code	78
2. Petitions for mercy	80
3. Whipping	82
4. Separation of judicial and executive functions	82
5. Scheme for the improvement of the legal training of the members of the judicial branch of the Indian Civil Service	87
6. Civil appeals	90
7. Registration of partnerships	91
8. Panchayats	92
9. Proposal to regulate the sale of food and drugs in Burma	93
10. Madras City Court	93
11. Conditions of judicial service	94
12. Chartered High Courts—	
(a) Calcutta	97
(b) Madras	100
(c) Bombay	101
(d) Allahabad	101
13. Non-Chartered High Courts—	
(a) Punjab	102
(b) Lower Burma	103
(c) Oudh	104
(d) Central Provinces	104
(e) Sind	105
(f) Upper Burma	105
14. Judicial reorganisation	106
15. Additional Judicial Officers... ..	108
16. Law Officers	109
17. Revision of the arrangements for the conduct of the legal business of the Government of Bengal	112
18. Administrators General and Official Trustees	113
19. Presidency and City Magistrates—	
(a) Calcutta	114
(b) Bombay	114
(c) Karachi	114
20. Miscellaneous (Criminal)	115
21. „ (Civil)	117
22. Territorial changes	119
23. Cantonment Magistrates' Department	120

CHAPTER VI—POLICE.

1. Progress of reform in the various provinces	121
2. Cost of the reforms	121
3. Madras reforms	121

	PAGE.
4. Temporary employment of junior members of the Indian Civil Service as assistant superintendents of police in the Madras Presidency	122
5—9. Bombay reforms	122
10. Apportionment of the Bombay city police charges between Government and the municipal corporation... ..	125
11—15. Bengal reforms	125
16—17. Improvement of the beat system in the town and suburbs of Calcutta ...	127
18—19. United Provinces reforms	127
20. Punjab reforms	128
21—24. Burma reforms	128
25—26. Burma military police	129
27. Block of promotion in Burma	130
28. Eastern Bengal and Assam reforms	130
29—34. Eastern Bengal and Assam military police	131
35. Central Provinces and Berar reforms	132
36. Coorg reforms	133
37—38. North-West Frontier Province reforms	133
39. Village police	133
40. Responsibility of district superintendents of police in respect of the audit and accuracy of their accounts	134
41. Institution of a decoration to be open to the police forces throughout the Empire	135
42. Treatment of periods of furlough spent by civil officers in South Africa on war service	135
43. Appointments to the superior police of military officers and officers from other civil branches of the service	135
44. Indian Police Bill	135
45. Calling out of troops in aid of civil power to quell disturbances	136
46. Discontinuance of the practice of handcuffing prisoners escorted to and from court by the police	136
47. Extension to deputy superintendents of the benefits of the Police officers' Provident Fund	136
48. Appointment of an Assistant Director of Criminal Intelligence	136
49. Creation of an appointment of Personal Assistant to the Director of Criminal Intelligence	137
50. Creation of general railway police districts	137
51. Eligibility of the Commissioners of Police in Madras and Rangoon for an additional pension of Rs. 1,000 a year	137
52. Delegation to the Deputy Inspector General of Police in Sind of the powers of the Inspector General	137
53. Permanent appointment of an expert in handwriting	138
54. Reduction of the expenses of assistant superintendents of police on first joining their appointments	138
55. General uniform for gazetted officers of the Indian Police	138
56. Report of the Committee appointed to investigate the apportionment of cost of railway police between the Railway Companies and Government	139
57. Proposed reduction in the period of service qualifying for pension in the Police Department	139
58. Withdrawal of exchange compensation allowance	139
59. Construction of police buildings	139
60. Amendment of the Criminal Tribes Act (XXVII of 1871)	140
61. Allowance for subordinate police officers deputed to England or the Colonies on duty	140

	PAGE.
62. Correspondence between the Director of Criminal Intelligence, the Inspector General of Police and British Officials in the United Kingdom or the Colonies	140
63. Statement of counterfeit coining	140
64. Substitution of armed police for military guards over civil buildings ...	141
65. Enhanced rates of travelling allowances to police constables on transfer when accompanied by their families	141

CHAPTER VII—PENAL.

(a) *Indian Jails.*

1. Jail industries	142
2. Improved rates of pay of I. M. S. officers of the Jail Department ...	142
3. Improved rates of allowances to I. M. S. officers without permanent medical charge of native regiments appointed to officiate in the Jail Department ...	142
4. Formation of a separate leave reserve for officers of the I. M. S. in the Jail Department	143
5. Appointment of a separate I. M. S. officer for the charge of the Lahore female and district jails	143
6. Reclassification of district jails in Eastern Bengal and Assam for the purpose of fixing the allowances for their administrative charge	143
7. Organization of the jail establishments in Eastern Bengal and Assam ...	143
8. Reorganization of the subordinate jail establishment of the North-West Frontier Province	143
9. Revision of the pay and position of the Jail warder establishment in Bengal ...	144
10. Raising of the status of the Comilla district jail to that of a second class central jail	144
11. Conversion of the Vizagapatam district jail into a second class central jail and the appointment of an officer of the I. M. S. as superintendent ...	144
12. Procedure for the disposal of convicts belonging to native States who are released subject to police surveillance from British jails	144
13. Increased rate of pay of the superintendent of the Yeravda central jail press	145
14. Increase to the pay of the superintendent of Jail Manufactures in Bengal ...	145
15. Inquiry into the suitability of jail dietaries	145
16. Procedure for the transfer of <i>ex</i> -Military convicts to England	146
17. Discontinuance of the resolution by the Government of India reviewing the annual provincial Jail Reports	146
18. Arrangements for the accommodation of prisoners belonging to Baluchistan who are at present sent to jails in Sind	147
19. Disposal of bodies of convicts dying or executed in jails	147
20. Release of prisoners or remission of a portion of their sentences on the occasion of the assumption of the Government of India by the Crown... ..	147
21. Grant of remission of prisoners' sentences on the occasion of His Majesty's accession	148
22. Delegation of powers	149
23. Admission of spectators to witness the execution of prisoners	149
24. Disciplinary measures against the officials and subordinates of the Alipore jail	149
25. Modification of the system under which remission is earned by prisoners in jails	149
26. Amendment of the remission rules to provide that dangerous convicts shall not be released under those rules without a reference to the local Government ...	150
27. Amendment of section 52 of the Prisons Act, 1894, in respect of prosecutions instituted in a Presidency Town	150
28. Special treatment of juvenile offenders in Burma in a separate jail and the opening of a fund for the aid of discharged prisoners	150

	PAGE.
(b) <i>Port Blair.</i>	
1. Superintendentship	152
2. The Administration of the Andamans and the Penal Settlement ...	152
3. Revision of establishments	153
4. Visit of the Home Secretary	155
5. Abolition of the Viper jail and construction of a cellular jail ...	155
6. Improvement of the Cellular Jail buildings at Port Blair ...	156
7. Suspension of the deportation of term convicts	156
8. Time of release of term convicts	156
9. Revised rules for the release of invalid convicts	156
10. Rules for the employment of convict servants	156
11. Question of limiting the indulgences in respect of remissions of sentences enjoyed by locally married female life convicts	157
12. Food supplies of convicts	157
13. Transfer of the native infantry detachment from Ross to Aberdeen and construction of barracks at the latter station	158
14. Reduction of the native infantry detachment in Port Blair	158
15. Improvement of the administrative control over the Nicobars	159
16. System of accounts	159
17. Delegation of powers to the Superintendent, Port Blair	159
18. Revised rules regarding the grant of taccavi to cultivators at Port Blair ...	160
19. Amendment of the Andaman and Nicobar Islands Regulation (III of 1876), as amended by Regulation I of 1884	160
20. Wireless telegraph system	160
21. Settlement fleet	160
22. Discontinuance of the annual resolution by the Government of India reviewing the Port Blair Administration Report	161
23. Powers of the Superintendent, Port Blair, in the disposal of petitions, for divorce between convicts and free women	161
24. Proposed transportation to the Andamans of convicts from Ceylon ...	162
25. Renewal of the Andamans mail contract	162
26. Ethnological research	162

CHAPTER VIII—EDUCATIONAL.

(a) *Primary Education.*

1. Question of abolishing fees in primary schools	163
2. Education of the children of labourers employed on tea plantations ...	163
3. Itinerant teachers in Burma	164
4. Grants for primary education	164

(b) *Secondary Education.*

5. General	164
6. Improvement of the system of education in Aden	168
7. School final examination	169

(c) *Industrial and Technical Education.*

8. General	169
9. Schools of Art	175
10. Indian Institute of Science, Bangalore	176
11. Technical Scholarships	178

(d) European Education.

12. Amendment of the European School Code	...	...	...	179
13. State scholarship for domiciled Europeans and Eurasians	...	...	...	179
14. Grants for European and technical education	...	...	...	180
15. Educational Trusts	...	...	...	180
16. Government High School for Europeans and Eurasians at Maymyo	...	...	...	180
17. Board of Education certificates of recognition	...	...	...	181

(e) University and College Education.

18. General	...	...	...	...	182
19. Territorial limits of Universities	...	...	...	...	182
20. Inspection of colleges	...	...	...	...	183
21. Matriculation	...	...	...	...	184
22. Application for financial assistance towards the establishment of a University in Hong Kong	...	...	...	...	184
23. Grants for University and College reform	...	...	...	...	184
24. Grant to the Calcutta University	...	...	...	...	185
25. Arts Colleges	...	...	...	...	185
26. Law Colleges	...	...	...	...	189
27. Chief's Colleges	...	...	...	...	191
28. Auditing of accounts of colleges and schools	...	...	...	...	191

(f) Miscellaneous.

29. Quinquennial Review	...	...	...	...	191
30. Training Institutions	...	...	...	...	191
31. Examinations	...	...	...	...	195
32. Examinations for Government service	...	...	...	...	195
33. Prohibition of smoking and inculcation of temperance in schools	...	...	...	...	196
34. Religious instruction in Government Schools in Burma	...	...	...	...	196
35. Reformatory schools	...	...	...	...	196
36. Measures for ameliorating the position of Indian students in England	...	...	...	...	197
37. Education and politics	...	...	...	...	198
38. Scholarships, Sanskrit and Arabic	...	...	...	...	199
39. Commercial Education	...	...	...	...	199
40. Commercial scholarships	...	...	...	...	199

(g) Establishments.

41. Director-General of Education in India	...	...	...	...	201
42. Directors of Public Instruction	...	...	...	...	201
43. Assistant Directors of Public Instruction	...	...	...	...	202
44. Inspecting Agencies	...	...	...	...	202
45. Indian Educational Service	...	...	...	...	204
46. Provincial Educational Service	...	...	...	...	205
47. Provincial and Subordinate Educational Services	...	...	...	...	205
48. Provincialisation of the subordinate educational inspecting staff	...	...	...	...	206

CHAPTER IX—ARCHÆOLOGY.

1. Reorganization of the Archæological Department	...	...	...	207
2. Archæological explorations	...	...	...	207

	PAGE.
3. Preservation of historical buildings	208
4. Research by foreign workers	208
5. Development of the Archæological Section of the Indian Museum ...	209
6. Discovery of relics of Buddha near Peshawar	209
7. Miscellaneous	210

CHAPTER X—ECCLESIASTICAL.

1. Bishops	212
2. Consecration of bishops in India	214
3. Archdeacons and canons	215
4. Chaplains	215
5. Churches	217
6. Use of Consecrated Churches for service for Presbyterian and Wesleyan troops	220
7. Presbyterian ministers	221
8. Pewage and capitation allowance	222
9. Allowances of Wesleyan ministers employed with troops	222
10. Return of Ecclesiastical charges, 1906-07	223
11. Proposed amendment of the Indian Divorce Act, 1869	223
12. Proposed grant of special allowances to the archdeacons of Lucknow, Nagpur and Rangoon	224
13. Question of the compulsory registration of births and deaths	224

CHAPTER XI—LOCAL SELF-GOVERNMENT.

(a) *Municipal.*

1. Government loans	225
2. Debenture loans	225
3. Municipal administration of Simla	226
4. Simla Improvement	228
5. Calcutta Improvements	230
6. Rangoon Town Lands	232
7. Pensionary status of vaccinators	233
8. Whole time official chairmen for Cawnpore and Allahabad Municipalities ...	234
9. Mal-administration of the Moulmein Municipality	234
10. Drainage and water-supply of Poona	235
11. Relief of municipalities of police charges	235
12. Taxation	236
13. Miscellaneous	238

(b) *District and Local Boards.*

14. Loans	238
15. Legislation	238
16. Miscellaneous	239

CHAPTER XII—MEDICAL.

1. Indian Medical Service	240
2. Assistant surgeons	242
3. Sub-assistant surgeons	244
4. Pasteur Institutes	245

	PAGE.
5. Special investigations—	
(i) Blood stains 	249
(ii) Snake-bite 	249
(iii) Treatment of leprosy with “Nastine” 	249
6. Lepers Act 	249
7. Lunatics—	
(i) Asylums 	250
(ii) Detention of lunatics under the Criminal Procedure Code 	250
8. Medical Institutions—	
(a) Lucknow 	250
(b) Rangoon 	251
(c) Simla 	252
(d) Madras 	252
(e) Calcutta 	252
9. Lady Minto’s Indian Nursing Association 	253
10. Lady Ampthill’s Nurses’ Institute 	253
11. Countess of Dufferin’s Fund 	254
12. Superior medical appointments in the Central Provinces 	254
13. Civil surgeoncies—	
(a) Bombay 	255
(b) Bengal 	255
(c) United Provinces 	255
(d) Punjab 	255
(e) Burma 	256
(f) Eastern Bengal and Assam 	256
14. X-Ray Institute 	257
15. Study leave 	257
16. Emoluments of presidency district surgeons and medical officers of the medical college, etc., Madras 	259
17. Experiments on living animals 	260
18. Storage of poisonous fluid drugs 	261
19. Obligation of an officer to supply information regarding the nature of a Government servant’s illness 	261
20. Offer made by the Salvation Army to co-operate with the Government in supplying medical assistance to the people of India 	261
21. Surgeon to the Governor of Bombay or Madras 	262
22. Pay etc., of Physicians in Bombay Hospitals—	
(a) Kama Hospital 	262
(b) St. George’s Hospital 	262
23. Professorships at medical colleges—	
(a) Calcutta Medical College 	262
(b) Lahore Medical College 	265
24. Post-mortem examination of bodies of soldiers 	265
25. Police Surgeon and Professor of Medical Jurisprudence, Medical College, and Superintendent of the Campbell Medical School and Hospital, Calcutta 	265
26. Private practitioners and the restriction of the civil cadre of the Indian Medical Service 	266
27. Decentralization 	267

28. Regulation of fees	...	...	...	...	...	268
29. Question of the fees to be charged to patients at government hospitals	...	...	...	...	...	271

SANITARY.

1. Sanitary Services—						
(a) Improvement of the sanitary services in India	...	...	...	...	...	271
(b) Sanitary commissioners	...	...	...	...	...	272
(c) Deputy sanitary commissioners	...	...	...	...	...	273
(d) Assistant Sanitary Engineer for Bengal	...	...	...	...	...	273
(e) Health officers	...	...	...	...	...	273
2. Bacteriological laboratories—						
(a) Central Research Institute	...	...	...	...	...	274
(b) General	...	...	...	...	...	274
3. Pilgrim traffic	...	...	...	...	...	275
4. Venereal disease in cantonments	...	...	...	...	...	279
5. Special investigations—						
(a) Enteric fever	...	...	...	...	...	280
(b) Blackwater and other fevers in the Duars	...	...	...	...	...	280
(c) Malaria	...	...	...	...	...	282
(d) Dysentery in jails	...	...	...	...	...	284
(e) Other inquiries	...	...	...	...	...	284
6. Vaccination	...	...	...	...	...	284
7. Cerebro-spinal meningitis	...	...	...	...	...	285
8. International conferences	...	...	...	...	...	285
9. Sewage disposal—						
(a) Septic tanks and sewage installations	...	...	...	...	...	285
(b) Sewage chemist for Lucknow	...	...	...	...	...	286
10. Adherence of India to the Paris Sanitary Convention of 1903	...	...	...	...	...	286
11. Cholera	...	...	...	...	...	287
12. Anti-cholera inoculation	...	...	...	...	...	287
13. Rules under the Indian Ports Act, 1908, and proposed amendment of the Act	...	...	...	...	...	288
14. Skimmed condensed milk and tinned meat	...	...	...	...	...	289
15. Sleeping sickness	...	...	...	...	...	289

CHAPTER XIII—PLAGUE.

1. Extent and course	...	...	...	...	...	291
2. Preventive measures	...	...	...	...	...	291
3. Plague Research Commission	...	...	...	...	...	295
4. Extra staff	...	...	...	...	...	295
5. Assistance to Government servants and measures to induce them to submit to inoculation	...	...	...	...	...	296
6. Suggestions of the Royal College of Physicians regarding the treatment of plague in India	...	...	...	...	...	296
7. The Malkowal disaster and subsequent employment of Mr. Haffkine	...	...	...	...	...	298
8. Revised rates of salary of Indian Medical Service officers deputed to plague duty	...	...	...	...	...	300

CHAPTER XIV—LEGISLATION.

(a) *Legislation in the Governor-General's Council.*

(1) Acts passed—

1. Presidency Small Cause Courts	...	...	...	...	301
2. The Provincial Insolvency Act	...	...	...	...	301
3. Regulation of Meetings Ordinance, 1907 (I of 1907), and Prevention of Seditious Meetings Act, 1907 (Act VI of 1907)	...	...	...	...	302
4. Legal Practitioners (Amendment) Act, 1908	...	...	...	...	303
5. Coroners (Amendment) Act, 1908	...	...	...	...	303
6. Code of Civil Procedure, 1908	...	...	...	...	304
7. Explosive Substances Act, 1908	...	...	...	...	304
8. Newspapers (Incitements to Offences) Act, 1908	...	...	...	...	304
9. Indian (Criminal Law Amendment Act, 1908 (XIV of 1908)	...	...	...	...	305
10. Indian Limitation Act, 1908 (IX of 1908)	...	...	...	...	305
11. Whipping (Amendment) Act, 1909 (IV of 1909)	...	...	...	...	306
12. The Presidency Towns Insolvency Bill	...	...	...	...	306
13. The Indian Press Act, 1910	...	...	...	...	307
14. Indian Penal Code Amendment Act, 1910 (III of 1910)	...	...	...	...	308
15. Central Provinces Courts (Amendment) Act, 1910	...	...	...	...	309
16. Prisons (Amendment) Act, 1910	...	...	...	...	309
17. The Census Act, 1910	...	...	...	...	310

(2) Bills introduced—

18. Public Charities Accounts Bill	...	...	...	...	310
19. The Criminal Tribes Bill	...	...	...	...	310
20. (b) <i>Local Legislation</i>	...	...	...	...	311

CHAPTER XV—MISCELLANEOUS.

1. Victoria Memorial	...	...	...	...	315
2. Victoria Memorial Park	...	...	...	...	315
3. Fiftieth anniversary of the assumption of the Government of India by the Crown	...	...	...	...	315
4. Death of His late Majesty King Edward VII, Emperor of India	...	...	...	...	316
5. Accession of His Most Gracious Majesty King George the Fifth	...	...	...	...	316
6. Empire day	...	...	...	...	316
7. Egyptian census	...	...	...	...	317
8. Census of India, 1911	...	...	...	...	317
9. Gazetteers	...	...	...	...	318
10. Printing in England on behalf of Indian Administrations	...	...	...	...	319
11. Ethnographic Survey	...	...	...	...	319
12. Imperial Library	...	...	...	...	320
13. Records Office	...	...	...	...	321
14. Peshwa's records	...	...	...	...	322
15. Publication of records and texts	...	...	...	...	322
16. Preparation of calendars of the Indian records	...	...	...	...	323
17. Arabic and Persian manuscripts	...	...	...	...	323
18. Manuscripts and other articles of antiquarian interest	...	...	...	...	324
19. Printing of the Buchanan manuscripts	...	...	...	...	324

	PAGE
20. List of important libraries in India	324
21. Oriental literature published in Native States	325
22. Historical work in the Môn language	325
23. Tibetan literature	325
24. International catalogue of scientific literature	325
25. Publication of Mr. Macauliffe's translation of the Adi Granth, the sacred book of the Sikhs	326
26. Patronage to the "Indian Antiquary"	326
27. Publication of a Persian dictionary	327
28. Literary pensions	327
29. Supply of official publications to the Indian Institute at Oxford	328
30. Copyright	328
31. Kidderpur Park... ..	328
32. Furnishing of Government Houses	329
33. Arms Act and Rules	330
34. Game protection	333
35. Smoke nuisance	333
36. Supply of official information to the press	334
37. Rules of business	334
38. Secretariat instructions	334
39. Memorial and petition rules	334
40. Portraits of the Sovereign	335
41. Portrait of Warren Hastings	335
42. Commemoration of notable buildings	336
43. Civil uniform	336
44. Kaisar-i-Hind medals	336
45. Civil Division of the Indian Order of Merit	337
46. Position to be assigned to the Chief Justice and Puisne Judges of the Calcutta High Court when they attend public functions in their official and corporate capacity	337
47. Natural calamities	337
48. Training ship for Eurasian boys	338
49. Registration Departments	338
50. Indian Registration Act, 1877	339
51. Participation of Government officers in arrangements for reception of Heads of Provinces on tour	339
52. Provision of reserved accommodation for inspecting officers	339
53. Procedure to be followed in addressing communications to His Britannic Majesty's diplomatic representatives in China	340
54. Cruelty to animals at certain religious sacrifices in Southern India	340
55. Measures to be adopted for the prevention of the practice of flaying goats alive	340
56. Prevention of Cruelty to Animals Act, 1890	341
57. Working of the European Vagrancy Act, IX of 1874	341
58. Certificates of identity and passports	341
59. Treasure trove	342
60. Proposed grant of leases for erecting buildings on Parasnath Hill in the Hazaribagh district	342

	Page.
61. Funeral charges of destitute Indians who die at Shanghai and other cities in China	343
62. Bequest of the late Colonel Hector Mackenzie	343
63. Government, servants' conduct rules, 1904	344
64. Privilege leave in Burma	346
65. Public holidays	346
66. Grant of pensions or additional pensions to certain persons in consideration of services rendered by them, or by their relatives, during the Indian Mutiny.	346
67. Transfer of Property Act, 1882	347
68. Recovery of the estates of British Indians who die in Russian territory ...	347
69. Warrant of Precedence	347
70. Royal Commission on Decentralization	348-50

CHAPTER I.

INTRODUCTORY.

1. His Excellency the Right Honourable Sir Gilbert John Elliot-Murray-Assumption of Office of Viceroy and Governor General. Kynynmound, P.C., G.C.M.G., Earl of Minto, arrived at Bombay on November 17, 1905, and took his seat as Viceroy and Governor General of India at Bombay on November 18. This was the first occasion on which a Viceroy has assumed office at Bombay.

When the S. S. 'Peninsular', by which His Excellency travelled, was signalled from the light-house three guns were fired from the saluting battery at intervals of ten seconds. The steamer dropped anchor opposite the Apollo Bandar at 4-20 P.M. At 4-30 P.M. His Excellency Rear-Admiral Poe and staff with the officers commanding His Majesty's Ships 'Hyacinth,' 'Renown' and 'Terrible' proceeded on board the 'Peninsular'. At 5-10 P.M. a deputation consisting of the Chief Secretary to the Government of Bombay, the Military Secretary and an Aide-de-Camp to His Excellency the Governor General, and the Military Secretary and an Aide de-Camp to His Excellency the Governor of Bombay also arrived on board. As soon as the members of the deputation had been presented Lord Minto left the steamer and landed at 5-35 P.M. under a salute of 31 guns. His Lordship was received by a guard of honour of Bombay infantry under the command of a British officer. After inspecting the guard of honour he drove to Government House, Malabar Point, under a field officer's escort of Indian cavalry and was received on arrival by the Governor of Bombay.

On the assumption that Lord Minto would have arrived at Bombay on the morning on November 17, the Bombay Government issued orders on November 11, 1905, that a public reception should be accorded to him. These orders were communicated by telegram to Lord Minto at Aden. On November 14, the Peninsular and Oriental Company intimated that the hour of arrival would be about noon. The Private Secretary to the Governor of Bombay subsequently explained that in the belief that the arrangements for a public arrival would have involved lining the streets with troops in the heat of the day, Lord Lamington decided that in the circumstances the arrival must be of a private character. A further reason for coming to this decision was that Lord Curzon had emphasised the importance of Lord Minto's disembarking immediately upon arrival in order to afford them as long a time as possible for conversation. The Bombay Government accordingly cancelled their orders of November 11, 1905, and announced that the landing would be private. This information was communicated to Lord Minto in a letter from Sir Steyning Edgerley which was brought on to the 'Peninsular' by the pilot.

Lord Minto cannot admit the contention that a public arrival would have necessitated the troops parading in the heat of the day. By telegram from Aden he had suggested landing in the afternoon in order to avoid this very contingency and, as events turned out, the time for conversation was shortened only by the unexplained delay in the arrival of the deputation on board the steamer. If the members had been prepared to start as soon as the steamer was signalled, there would have been time for them to arrive on board as soon as she dropped anchor.

After the departure of Lord Curzon the public ceremony with which it was originally intended to signalise Lord Minto's landing was held on November 18. On the morning of that day after bidding farewell to Lord Curzon on the steps of the bandar, Lord Minto accompanied by the Governor of Bombay returned to the shamiana where the usual presentations to him were made. His Lordship was then conducted to the space at the bandar which had been reserved for the president and members of the municipal corporation and was there received by the representatives of the corporation and presented with an address. Thereafter Lord Minto accompanied by the Governor of Bombay and the Ordinary Members of the Governor General's Council present in Bombay, proceeded to the Secretariat where a guard of honour of British infantry was drawn up opposite the entrance to the Secretariat. The warrant from His Majesty the King, Emperor of India, was read by the Home Secretary in the Council Chamber of the Secretariat in the presence of the Governor of Bombay, of the Members of the Governor General's Council and of the principal officials of the Bombay Government. Lord Minto then took his seat as Viceroy and Governor General of India and a salute of 31 guns was fired in his honour from the saluting battery. His Excellency then drove to Government House, Malabar, attended by the same escort as that which accompanied Lord Curzon to the bandar.

These proceedings were not entirely in accordance with precedents, and Lord Minto has decided that they shall not be taken as a guide for the future.

2. Major-General C. H. Scott, C.B., R.A., was appointed on November 18, 1905, to be an Ordinary Member of the
 Members of Council. Council of the Governor General of India

in succession to Major-General Sir Edmund Elles, G.C.I.E., K.C.B., R.A. The Hon'ble Mr. J. P. Hewett, C.S.I., C.I.E., was granted leave of absence on medical certificate and the Hon'ble Sir Charles Lewis Tupper, K.C.I.E., C.S.I., officiated in his place from April 2 to September 27, 1906. The Hon'ble Sir John Prescott Hewett, K.C.S.I., C.I.E., resigned his office with effect from January 1, 1907, on his appointment to the office of Lieutenant-Governor of the United Provinces. The Hon'ble Mr. J. F. Finlay, C.S.I., was appointed on the same day in succession to Sir John Hewett. The Hon'ble Sir Denzil Ibbetson, K.C.S.I., resigned his office on March 5, 1907, on his appointment to the office of Lieutenant-Governor of the Punjab; the Hon'ble Mr. J. O. Miller, C.S.I., was appointed on the following day in succession to him. The Hon'ble Mr. J. F. Finlay, C.S.I., resigned with effect from February 28, 1908, on account of ill-health, and the Hon'ble Mr. W. L. Harvey, C.I.E., Secretary in the Commerce and Industry Department, was appointed on March 5, to be a temporary Member in his place, and assumed that office permanently on July 3, 1908. The Hon'ble Sir Edward Baker, K.C.S.I., resigned his office with effect from July 5, 1908, with a view to proceeding on leave preparatory to taking up the Lieutenant-Governorship of Bengal, and the Hon'ble Mr. J. S. Meston, C.S.I., Secretary in the Finance Department, was appointed on the following day to be a temporary Member in his place. The latter was relieved by the Hon'ble Sir Guy Fleetwood Wilson, K.C.B., on November 9, 1908. On the abolition of the Department of Military Supply the Hon'ble Major-General C. H. Scott, C.B., R.A., vacated his office on April 4, 1909. On the expiry of his tenure of office the Hon'ble Sir Henry Erle Richards, K.C.S.I., K.C., Barrister-at-Law,

resigned with effect from April 18. The Hon'ble Mr. Satyendra Prasanna Sinha, Barrister-at-Law, was appointed on the following day in succession to him. The Hon'ble Mr. W. L. Harvey, C.I.E., resigned with effect from March 25, 1910, on account of ill-health, and the Hon'ble Mr. B. Robertson, C.S.I., C.I.E., Secretary in the Commerce and Industry Department, was appointed on the same day to be a temporary Member in his place.

3. The five years' term of office of the Hon'ble Sir Arundel Tagg Arundel, K.C.S.I., expired on May 17, 1906, but the Secretary of State sanctioned an extension of his term until October. The Hon'ble Sir Harvey Adamson, Kt., C.S.I., succeeded him on October 15, 1906. The Hon'ble Sir Herbert Hope Risley, K.C.I.E., C.S.I., officiated in the place of Sir Harvey Adamson from August 16, 1909, to February 10, 1910, when the latter was absent on medical leave. Sir Harvey Adamson, Kt., K.C.S.I., resigned his office with effect from May 19, 1910, on his appointment to the office of Lieutenant-Governor of Burma; the Hon'ble Mr. J. L. Jenkins, C.S.I., succeeded him on the same day.

4. His Excellency General Sir O'Moore Creagh, V.C., G.C.B., was appointed to be an Extraordinary Member of the Governor General's Council from September 10, 1909, when he assumed charge of the office of Commander-in-Chief in India in succession to His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M., G.C.S.I., G.C.M.G., G.C.I.E., R.E.

5 Sir Herbert Risley, K.C.I.E., C.S.I., remained on special duty or on leave from June 15, to September 22, 1907, and again on special duty from March 30, 1908. Sir Harold Stuart, K.C.V.O., C.S.I., officiated as Secretary in his place and was appointed substantively *pro tempore* with effect from March 30, 1908. Sir Herbert Risley, who was on special duty, completed thirty-five years' service on the October 23, 1908; the Secretary of State sanctioned the extension of the period of his special duty, first to April 23, 1909, and then to October 23, 1909. He resigned the Indian Civil Service with effect from February 11, 1910, after officiating from August 16, 1909, as an Ordinary Member of the Governor General's Council and the Hon'ble Sir Harold Stuart was confirmed as Secretary with effect from the former date. The latter went on six months' leave from May 6, 1910. Mr. H. G. Stokes, Deputy Secretary in the Department, officiated in his place for four days, until relieved by the Hon'ble Mr. A. Earle, C.I.E., who was appointed to officiate for Sir H. Stuart with effect from May 10.

6. In October 1906 the services of Mr. W. S. Marris were lent to the Transvaal Government. Mr. G. B. H. Fell, Under Secretary, was appointed to be Deputy Secretary with effect from the 3rd of that month. Mr. Fell was placed on special duty from October 1, 1908, to January 3, 1909. Mr. H. G. Stokes officiated as Deputy Secretary during this period and was appointed to be temporary Additional Deputy Secretary with effect from January 4. He was next appointed to officiate as Deputy Secretary in the place of Mr. Fell, C.I.E., who took privilege leave for three months from July 1, 1909, with the intention of reverting to Burma on its termination, and was confirmed in the appointment with effect from October 1, following. Mr. H. O. Woodman was appointed to

be temporary Additional Deputy Secretary with effect from September 24, 1909. He officiated as Deputy Secretary for four days in May 1910 in the place of Mr. Stokes who officiated as Secretary, and Mr. P. W. Monie, Under Secretary, officiated as temporary Additional Deputy Secretary for the same period.

7. Mr. H. G. Stokes went on privilege leave for three months with effect from April 5, 1906, with the intention of reverting to Madras on its termination.

Home Department Under Secretaries.

Mr. G. B. H. Fell was appointed in his place, and took over charge on April 23. On the appointment of Mr. Fell to be Deputy Secretary Mr. A. W. J. Talbot was appointed in his place with effect from October 3, 1906. Mr. P. W. Monie acted as Under Secretary during the absence of Mr. Talbot on three months' leave from May 30, 1907. He was again appointed in the place of Mr. J. C. Fergusson who took privilege leave for three months from December 4, 1907, with the intention of reverting to the United Provinces on its termination. Mr. Monie was confirmed in the appointment with effect from March 4, 1908. Mr. Talbot reverted to the Punjab with effect from August 6, 1909, and Mr. I. G. Lloyd succeeded him as Under Secretary on the same day. The latter proceeded on six months' leave on account of ill-health with effect from July 1, 1910, and reverted to Burma. Mr. V. Dawson succeeded him as Under Secretary with effect from the following day.

CHAPTER II.

POLITICAL MOVEMENTS.

1. The period of Lord Minto's administration was one of considerable political ferment. Anti-British agitation had long existed underground, particularly in the West of India but with a growing influence elsewhere, and it needed but a pretext to bring it to the surface. That pretext was found when the creation of the new province of Eastern Bengal and Assam, by absorption of certain districts from Bengal, was denounced as a disruption of Bengali nationalism. It is impossible in the brief space of this summary to examine at length the many causes of the agitation against British rule. The spread of Western civilisation and thought, the rapid growth of the power of Japan, the awakening of Oriental countries to political life—all these causes operated from without. From within came a growing spirit of nationality stimulated by the spread of English education and accompanied by a Hindu religious revival, of which the watchword was the return to India's past traditional greatness. This phase is typified in the operations of the Arya Samaj, a body ostensibly occupied with the purifying of the Hindu religion but which from the nature of its organisation is a great political power, particularly in Upper India. It finds expression also in the *Gaurakshini* movement for the protection of cattle, a fruitful source of trouble between the rival sects of India; in the growth of Hindu-Muhammadan antagonism; in the spread of a new spirit among the Sikhs, and in the strange interdependence of religious and anarchical doctrines which drove half educated youths to the worst of crimes. The spirit of unrest was fostered by economic causes; the expansion of communications in raising the price of staples throughout India had, while largely enriching the country, adversely affected its middle classes—the "*bhadralok*" as they are called in Bengal—whose earnings are fixed in a depreciated currency.

Upon minds unsettled by this combination of natural causes the influence of agitators was disproportionately great, and the opportunity for spreading unrest was seized upon with avidity both by discontented persons in India and by the small party of professed revolutionaries in England and on the continent of

Europe. This party, calling itself the "Free India Society", was at first led by Shyamji Krishnavarma of the so-called "India House" in Highgate, and besides openly preaching sedition it was responsible for flooding India with highly inflammatory literature and for importing arms which were eventually used for the purposes of assassination. Operated upon by all these influences discontent expressed itself in open sedition, and eventually in violence and anarchy, which stern measures were required to repress; and the effect of the ferment upon unbalanced minds was such as to create a section of irreconcilables, active revolutionaries and potential assassins. The chief events of this eventful period are narrated in the following paragraphs.

2. The fact that the Secretary of State had agreed to a scheme for the partition of Bengal became generally known in India in July 1905, and an agitation, mainly emanating from Calcutta, was at once set on foot against this measure. A systematic boycott of European goods was definitely recommended as a measure of retaliation by the agitators

Anti-British agitation. Some of its causes and means of expression.

The revolutionary society in London and on the continent.

Agitation against the partition of Bengal. The boycott and national volunteers movements.

after the publication, on 1st September 1905, of the orders constituting the new province of Eastern Bengal and Assam with effect from the 16th October 1905. The agitation rapidly spread in Eastern Bengal where it was largely fostered by the so-called "national volunteers" movement. This movement first came into prominence in November 1905 in Serajganj in that province, where "volunteers," mainly students of the two local high schools, were posted in the bazaars to prevent the selling of foreign goods, and it was pushed with great activity in Eastern Bengal and in a few districts of Bengal. During the months of January and February 1906 agitation in the new province appeared to be dying down; where it survived, it had assumed an economic, rather than a political, form; the people of the districts had ceased to take much interest in the question of the partition, and the Muhammadans held aloof from the movement or were actively hostile to it. The debate of the 26th February 1906 in the House of Commons and the statement in the Secretary of State's speech that there was a great subsidence of the feeling against the partition were, however, the signal for a vigorous attempt to renew the agitation. The attempt was at first a failure, but the arrest and conviction of Babu Surendra Nath Banerjee in connection with a meeting of the Bengal Provincial Conference at Barisal on the 16th April 1906 was followed by meetings of protest under the auspices of the Indian National Congress all over India, and gave a fresh lease of life to the agitation against the partition. It was resumed in full force in May and June 1906 when several new developments were introduced. Among these were the formation of a party of physical force, growing out of the "volunteer" movement, which taught drill and the use of quarter-staves to students; social excommunication of loyal persons; pressure upon Muhammadans to join the campaign against the partition and upon shop-keepers to abstain from selling imported goods; and the use of the cry of *Bande Mataram* as a kind of national "war-cry." The strikes on the East Indian Railway, which occurred in July, were directly traceable to the influence of political agitators.

3. It was at this time that Sir Bampfylde Fuller resigned the Lieutenant-Governorship of Eastern Bengal and Assam. On the 5th July 1906 the Government of India suggested to him the advisability of withdrawing the local Government's application to the Calcutta University that it should cease to recognize two schools under private management in Serajganj. Sir Bampfylde Fuller asked that the orders might be reconsidered, or that, if effect were to be given to them, he might be permitted to resign. His Excellency the Viceroy was unable to reconsider the orders and decided to accept Sir Bampfylde Fuller's resignation.

4. During the year 1907, the boycott and *swadeshi* movement was continued with considerable vigour in Bengal and the new province, and shewed signs of spreading to other provinces. In the two Bengals reports were frequently received of the destruction of foreign-made goods. The aggressive attitude of the "volunteers" at fairs and bazaars led to serious disturbances in April and May 1907 in the Mymensingh district, where forcible attempts were made to prevent Muhammadan shop-keepers from dealing in foreign-made goods. General rioting followed, the Muhammadan shop-keepers and ryots, already irritated by a long course of interference on the part of the agitators, being encouraged to attack the

Resignation of Sir Bampfylde Fuller, Lieutenant-Governor of Eastern Bengal and Assam.

Spread of the boycott in 1907. Disturbances in Eastern Bengal and Assam.

Hindus by adventurers eager for plunder or actuated by a desire for revenge for personal grievances.

5. About the same time, partly under the influence of Bengali agitators anti-British propaganda were being actively carried on in the Punjab. The in-

Agitation in the Punjab. Disturbances at Lahore and Rawalpindi.

troduction into the local Legislative Council of a Bill to amend the Colonization

Act as regards the tenure on which land was held in the canal colonies in the Punjab was denounced as a breach of faith on the part of Government. Violent agitation followed, in the course of which attempts were made to stir up the agricultural classes, and particularly the Sikhs, including those in the native army, and to form combinations for withholding the payment of Government revenue. In Lahore on the 16th April 1907, after the Chief Court of the Punjab had upheld the conviction and sentence passed on the editor of the *Punjabee*, who was prosecuted for publishing an article alleging that a native had been murdered by an English officer, the police who were escorting the prisoners from the court to the jail were attacked by a crowd which stopped the carriage, pelted them with mud and garlanded the convicts. The mob then proceeded down the Mall, assaulting isolated Europeans, until it was dispersed by the police. In Rawalpindi violent seditious speeches were delivered by certain lawyers, and the Deputy Commissioner accordingly summoned them to appear before him on the 2nd May. In consequence of this order a large crowd collected, and, after making a disturbance at his court, wrecked his house and the houses of certain other officials and assaulted several Europeans. It also burnt the furniture in a mission house, looted a post office, and attempted to set fire to a workshop before it was dispersed by cavalry. In consequence of the disturbances and of the serious extent of the anti-British agitation, the Lieutenant-Governor of the Punjab requested the Government of India to issue warrants under Regulation III of 1818 against the chief organisers

Deportation of Lajpat Rai and Ajit Singh under Regulation III of 1818.

of the agitation, Lala Lajpat Rai and Ajit Singh. He represented that the situation was extremely grave, that immediate action was essential, that there were serious objections to prosecuting these men under the ordinary law, and that it would be impossible in existing conditions to produce satisfactory evidence against them. The Government of India issued orders that they should be arrested and removed to Mandalay. The arrests were effected on the 10th May and the 3rd June respectively, and an immediate beneficial effect was produced by this measure. An ordinance was also issued (the Regulation of Meetings Ordinance, 1907) prohibiting the holding of seditious meetings in the Punjab and Eastern Bengal and Assam. In November 1907 it appeared that the further detention of the deportees was unnecessary as the Prevention of Seditious Meetings Act had been passed and there were signs of a general and distinct improvement in the state of public feeling in the Punjab. They were accordingly released at Lahore on the 18th November 1907.

Their subsequent release.

6. Meanwhile the tour of Bepin Chandra Pal, a prominent Bengal agitator, in the Madras presidency, had led to anti-British disturbances and disorderly behaviour, particularly

Disturbances in the Madras Presidency.

among students. On the 31st May 1907 a student insulted Major Kemp, I.M.S., the district medical officer of Cocanada. Major Kemp having struck the youth, a mob collected the same evening and attacked and wrecked the club where he was dining. On

the 21st June 1907 the Government of Madras was obliged to punish several of the students of the Rajahmundry College for defying the orders of the Principal of the College at the time of Bopin Chandra Pal's visit. On the 25th July 1907 a police constable attacked the Assistant Superintendent of Police, Cocanada, with a bayonet. A mob of students attacked the Senate House on the 30th August and attempted to rush a police station. A police inspector named Bell was murdered at Rajahmundry in September 1907 by a constable who immediately afterwards committed suicide, and the constable's funeral was made the occasion of a violent anti-European and anti-Government demonstration. There were no further disturbances in the presidency until March 1908, when proceedings were taken under section 108, Criminal Procedure Code, against Chidambaram Pillay and two other agitators, for holding seditious meetings in Tinnevely and Tuticorin. On the 11th March, when they were remanded to jail, the municipal office, the post office, the police station and the munsiff's court were attacked and burnt by rioters. The police were obliged to fire on the mob, and several people were killed. Pillay and one of his co-accused were eventually convicted under Sections 124-A and 153-A, Indian Penal Code, and sentenced to transportation.

7. After the deportation of Lajpat Rai, Bopin Chandra Pal took a leading part in holding seditious meetings in the public squares of Calcutta. In September 1907 he was sentenced to six months' simple imprisonment for refusing to give evidence in a case against the editor of the *Bande Mataram* newspaper, and proceedings were instituted against two other prominent agitators, Leakat Hossein and A. C. Bannerjee but the meetings continued until the police were stoned in Beadon Square on the 2nd October 1907. This was followed by general rioting in the northern part of Calcutta which continued for several days. Leakat Hossein was then prohibited from taking part in public processions and other public proceedings in Calcutta, Alipore and Sealdah, and meetings in twenty-four specified public places in the town were forbidden for two months. In December 1907 fresh orders were issued prohibiting meetings in five of the principal squares in the northern part of the city for a further period of two months; these orders were subsequently continued in force and extended to twenty-four public places in Calcutta and thirteen in its suburbs.

In the beginning of December an unsuccessful attempt was made to blow up a train in which the Lieutenant-Governor of Bengal was travelling, and later in the month an attempt was made to murder Mr. B. C. Allen, District Magistrate of Dacca.

Attempts to assassinate the Lieutenant-Governor of Bengal and the District Magistrate of Dacca.

8. In 1908, shortly after these occurrences, there were further disturbances in Mymensingh. Notices offering a reward for the capture of the person or persons who shot Mr. Allen having been torn down, a large number of police were sent to patrol the town. They appear to have come into collision with some of the towns people and to have handled them rather roughly. Exaggerated stories of looting and violence on the part of the police were at once circulated, and on the night of the 4th January a patrol was attacked, and several constables were severely beaten and injured. There were moreover a number of attacks on Europeans which were apparently due to the anti-British movement. The most serious of these was the attempt to murder Mr. Higgenbotham, a missionary, at Kushtia in Bengal, on the 4th March 1908.

Further disturbances in Eastern Bengal.

On the 11th April 1908 an abortive attempt was made to blow up M. Tar-

divel, the Maire of Chandernagore, who
Attempt to assassinate the Maire of Chandernagore.

had been active in suppressing sedition in French territory; and on the night of the 30th April a bomb, intended for the district judge, Mr. Kingsford, who was formerly Chief Presidency Magistrate of Calcutta, was thrown into a carriage in which Mrs. and Miss Kennedy, the wife and daughter of a European pleader, were returning home from the Club at Muzaffarpur. Both ladies died of their injuries. One of the two

Bomb outrage at Muzaffarpur.

Bengalis who committed the crime, Khudiram Bose by name, was arrested and afterwards hanged, and the other committed suicide while the police were attempting to arrest him. Before this occurred, information had been obtained regarding the existence at Calcutta, working in co-operation with a similar association at Midnapur, of a secret

Discovery of a revolutionary conspiracy in Calcutta. society organised for the commission of

political outrages, connected with the *Yugantar* and *Bande Mataram* newspapers and with a nominally commercial institution called the *Chattra Bandar*. After the murder of Mrs. and Miss Kennedy, the known resorts of the members of the society in Calcutta, including the notorious Maniktolla garden, were searched on the 2nd of May 1908, and searches were also made in Midnapur, Serampur and other places in Bengal. In addition to firearms, ammunition and revolutionary books, considerable quantities of explosives and materials for making bombs on a large scale were discovered in the places searched in Calcutta; and the papers seized and the statements made by the persons arrested, several of whom were students, showed that the society was responsible for two attempts to derail the Lieutenant-Governor of Bengal's train and an attempt to blow it up, for the attempt on the Maire of Chandernagore and for the murders at Muzaffarpur. It appeared that the object of the society, whose leading active member was Barendra Kumar Ghose, was to train young men throughout Bengal to murder officials by means of firearms and explosives in the hope of ultimately paralysing the administration. Shortly after these arrests were made a bomb was found on the tramway line in Grey Street, Calcutta, and another outside a missionary church. Thirty-six persons, accused of being members of the Calcutta revolutionary society, were committed for trial to the Sessions Court of Alipore. One of the accused, who had been tendered a pardon, was murdered by two of the other undertrial prisoners on the 31st of August. As a result of the Muzaffarpur outrage and of the discoveries in Calcutta, the Explosive Substances Act and the Newspapers (Incitements to Offences) Act were passed on the 8th of June 1908.

9. At the end of the same month and in July 1908 there were disturbances

in Bombay City, more particularly among
Riots in Bombay and the Central Provinces. the mill-workers, in consequence of the

prosecution of Bal Gangadhar Tilak for sedition. On six different days during the course of the disturbances the police and the troops were compelled to fire on the mob, and fifteen of the rioters were killed and thirty-eight were reported as wounded. Several police officers were also wounded. At the end of July 1908 an attack was made on a mission house at Pandharpur, apparently with the object of expressing hatred of Government and sympathy with Tilak, and one of the missionaries, Miss Steele, was badly beaten; and at the same time riots occurred in Nagpur with the same object, in the course of which Mr. Jones, Principal of the Morris College, was stoned.

Three Europeans were injured, one seriously, by a bomb thrown into a mail train on the Eastern Bengal State Railway in June 1908. Two bombs were dis-

Further bomb outrages.

covered in houses in Midnapur in August, another exploded under a train at Sharnagar and two more were found at Chandernagore. In the Berars a bomb was thrown without causing damage at a train near Akola, and another exploded in Poona city. Enquiries made regarding

Revolutionary conspiracy at Midnapur.

the bombs found at Midnapur led to the discovery that a conspiracy had been

formed to murder the Magistrate and other district officials. Extensive searches were made on the 28th and 29th of August 1908 and proceedings were instituted under the Explosive Substances Act (Act VI of 1908). Three of the persons arrested were discharged at the end of August as the evidence against them proved to be insufficient, and the charges against twenty-two more were withdrawn at the beginning of November, as the approver retracted in court his statements formerly made to the police. The remaining three accused were convicted by the Sessions Court at the end of January, but were subsequently acquitted by the High Court on appeal. In the course of their judgment the Hon'ble Judges commented adversely on the action of the district officers and the police in the conduct of this case, and threw doubts upon the *bona fides* of the proceedings of the prosecution. A departmental enquiry was accordingly ordered by the Lieutenant-Governor of Bengal, which was undertaken by the Commissioner of the Burdwan Division. The results of this enquiry, which was completed at the end of 1909, indicated that a formidable conspiracy had existed in Midnapore allied with that in Calcutta, that the steps taken by the district officers to combat it were legitimate and proper, and that the allegations of improper conduct made against them and the police were unsupported by any credible evidence. The Government of Bengal concurred in this finding, but as civil suits had been filed against the officers concerned by certain of the accused, it was decided not to publish the report pending the termination of those suits.

10. On the 7th of November 1908 a Bengali student attempted, unsuccessfully, to shoot the Lieutenant-Governor of Bengal, and two days later Nando Lal Banerji, a sub-inspector of police employed in the Criminal Investigation

Further attempt to assassinate the Lieutenant-Governor of Bengal. A Sub-Inspector of Police murdered in Calcutta.

Department, who had been instrumental in tracking one of the Muzaffarpur murderers, was shot dead in the streets of Calcutta. All attempts to trace the perpetrators of this last outrage were unsuccessful. Meanwhile, evidence had

Growth of secret revolutionary associations.

been accumulating to show that organised societies, known as *Samitis*, for the dissemination of sedition existed in the two Bengals, that some of them were attempting to raise funds by the commission of dacoities, and that endeavours were being made to enlist as many young Bengalis as possible of the educated and half-educated classes in companies, bound together by *swadeshi* and other vows, and to train them in the use of *lathis* and arms. While there was less open agitation and unrest, there was evidence of increased vigour in the secret organisations, and there was reason to believe that preparations were being made for more active measures. It was in these circumstances that Lord Minto's Government, on the 11th December 1908, acting on the strong recommendations of the Governments of Bengal and Eastern Bengal and Assam, issued orders for the arrest, and for the detention in jails in the United Provinces, the Punjab

Deportation of nine prominent agitators in Bengal and Eastern Bengal and Assam.

and Burma, of the following persons :—

(1) Subodh Chandra Mullick, (2) Manoranjan Guha Thakurta, (3) Krishto Kumar Mitra, (4) Sachindra Prasad Bose, (5) Shamsunder Chakravarti, (6) Aswini Kumar Dutt, (7) Satish Chandra Chatterjee, (8) Pulin Behari Das, and (9) Bhupesh Chandra Nag.

The warrants were executed on the 13th December 1908, and the exercise of this summary power had an immediate beneficial effect. Allowances were sanctioned for the maintenance of the prisoners in jail and suitable provision was made, where necessary, for the support of their families during their term of detention.

At this juncture also was enacted the Indian Criminal Law Amendment Act which is referred to in Chapter XIV of this Summary. The passing of this Act led to the dissolution, whether ostensible or real, of a considerable number of *Samitis*, and five of the most important were formally declared to be unlawful under the provisions of the new Act in January 1909, and two others in February. One of these—the *Anushilan Samiti*—was connected with a similar association in Calcutta of the same name, and this also was proscribed in October 1909.

11. The political situation in the beginning of 1909 showed some improvement, but a few isolated bombs were discovered in different places, both in Bengal and other provinces, and several were thrown, or shots fired, on different occasions at trains in the neighbourhood of Calcutta. Ashutosh Biswas, who, as the public prosecutor in the Alipore Sessions Court, was engaged in the prosecution of the Calcutta conspirators, was murdered on the 10th of February. At the end of March letters, which were discovered during the search of a house in Nasik, revealed the existence of two secret revolutionary societies in Gwalior and one in the Deccan, with branches in a large number of towns. This evidence led to the conviction by the Session Judge of Nasik of G. D. Savarkar, brother of the leader of the extremist party in London, for treason and sedition, and to the conviction of thirty-three persons by the Gwalior State. In July a discovery was made of a secret revolutionary society in Mymensingh (Eastern Bengal and Assam) which was responsible for the organisation of political crime. A conspiracy case was eventually instituted which is still in progress.

The events of the year indicated a continued activity on the part of a comparatively small, but extreme, party of revolutionaries, whose violence tended more and more to alienate the sympathy of the general community as well as of the self-styled advocates of "constitutional agitation." The latter, it appeared, had raised a Frankenstein which they were unable to control, and they hastened to dissociate themselves from the violent manifestations of political agitation for which they were in origin responsible. The party of violence was composed for the most part of young men, acting to some extent under the control of central organisations, of which the chief were located in Calcutta and Poona, and influenced, especially in Western India, by the revolutionary party in Europe whose centre in London was eventually shifted to Paris. Among the most important incidents of their campaign was the murder of Sir W. Curzon Wyllie and Dr. Lalkaka at the Imperial Institute in London on the 1st July 1909. The murderer, Madan Lal

Dingra, was arrested redhanded and executed on the 17th August. Equally momentous was the attempted assassination at Ahmedabad of His Excellency the Viceroy on the 13th November 1909.

Attempted assassination of His Excellency the Viceroy.

Two bombs were thrown by some person unknown at his carriage, both of which failed to explode, though subsequently one exploded in the hands of a sweeper who picked it up, causing serious injuries. On 21st December Mr. Jackson, Collector of Nasik, was shot dead by

Murder of the Collector of Nasik.

a young Brahmin named Anant Laxman Kanhere at a farewell theatrical performance given in his honour, and the investigation of this offence revealed a wide spread revolutionary conspiracy in the Deccan. The murderer and two accomplices were sentenced to death and three others to transportation for life; while thirty-five others, many of whom were of the student class, were put on their trial for conspiracy and sedition, and were eventually committed to a special Bench of the Bombay High Court. Among the accused in this case is V. D. Savarkar, who succeeded Krishnavarma in the leadership of the revolutionary society in London and Paris, and whose extradition was secured under the Fugitive Offenders Act. Again on the 29th December a bomb was found at the gate of the house of the Deputy Commissioner of Umballa which exploded in the hands of a servant, and on the 24th January 1910 Khan Bahadur Shamsul Alam, Deputy Superintendent of Police of the

Murder of Khan Bahadur Shamsul Alam.

C. I. D., Bengal, was shot dead in the precincts of the Calcutta High Court where he was engaged in instructing the Counsel for the Crown in the Alipore conspiracy case appeal. The murderer, Birendra Nath Dutt Gupta, was sentenced to death and executed on February 21st.

12. In Bengal and Eastern Bengal and Assam a most serious feature of the

Political dacoities in Bengal and Eastern Bengal.

newer phases of the movement was the frequent occurrence of dacoities committed by young Hindus of the *bhadralok* class, ostensibly for the purpose of swelling the revolutionary funds. Eight such dacoities had occurred in the year 1908, the first and chief of which was that committed at Barrah in the Dacca District. In this case the dacoits escaped in boats in broad daylight and kept up a running fight with their pursuers for a whole day killing four and wounding several others. The prosecution however failed owing to insufficient identification. In three only of the cases occurring in that year were convictions obtained. In 1909 and 1910 as many as seventeen such occurrences were reported, in which property was stolen to the value of nearly Rs. 85,000. Of these ten occurred in Bengal and seven in Eastern Bengal and Assam. In two cases only were convictions secured. In others either the prosecution failed from want of evidence or the perpetrators are so far undetected or still on trial. The most daring crime was that committed near Rajendrapur in Dacca in a running train on the Assam Bengal Railway, in which a consignment of bullion was stolen by a party of armed Hindu youths who killed one of the persons guarding the consignment and wounded two others, escaping with their spoil from the train in motion. Indications are not wanting that the proceeds of these crimes are seldom devoted to their ostensible object but are appropriated for the purpose of riotous living. The increase of this form of crime among young men of respectable and hitherto well behaved classes is but one of the signs of the spread of lawlessness and of the power of the forces of disorder.

13. The cleavage between the party of active revolution and the party of constitutional agitation had thus become so marked that in February 1910 the

Release of the Bengal deportees.

Viceroy decided that no purpose was to be achieved by the further detention of the nine Bengali agitators who had been deported under Regulation III of 1818 in December 1908. On the 8th of that month, therefore, the date of the passing of the Press Act, orders were issued for their release. About the same time a proposal was submitted by the Government of Bengal for the deportation of fifty-four persons who were involved in active agitation against the British Government, several of whom were suspected, and in some cases proved, to have taken a leading part in the encouragement and commitment of violent revolutionary crimes. The time, however, was regarded as inopportune for further deportations, and the Government of Bengal were urged to proceed criminally against all the members of the conspiracy against whom legal proof was forthcoming; it was accordingly decided to institute a case under sections 121-124 and 400, Indian Penal Code, against a number of persons who had conspired together for the purpose of the commission of political dacoities. Some fifty persons were accordingly arrested and placed

Inception of the Howrah-Sibpur conspiracy case. on their trial before the Magistrate of Howrah under the special provisions of Act XIV of 1908, of whom forty-five were eventually committed to a special tribunal of the Calcutta High Court.

14. Meanwhile the Alipore conspiracy case, the inception of which in 1908 is described in para. 8 above, terminated before the Sessions Judge on 6th April 1909.

Termination of the Alipore conspiracy case.

Nineteen men, including Barendra Kumar Ghose, were convicted and awarded sentences varying from death to one year's imprisonment, and seventeen, including Arabindo Ghose, were acquitted. Those convicted appealed to the High Court, who in judgments delivered on 23rd November 1909 and 10th February 1910 (the judges having in some cases differed at the first hearing) acquitted four and reduced the death sentences to transportation for life, also reducing the majority of the remaining sentences.

15. In March of this year an attempt was made in Eastern Bengal and

Seditious meetings prohibited in Eastern Bengal and the Punjab.

Assam to revive political agitation by holding so-called district conferences, engineered from Calcutta, in Mymensingh, Bakarganj and Faridpur. The Lieutenant-Governor on being satisfied that these meetings were likely to lead to renewed troubles extended the Prevention of Seditious Meetings Act to those districts, and the meetings were prohibited under the terms of the Act. Again in the Rohtak district of the Punjab, a stronghold of the Jat caste, it was found that meetings were constantly being held for the purpose of stirring up disaffection. In order to prevent disturbances it was found necessary to extend the Act to this district also.

16. The danger of agitation among the Jats had been emphasised by the

Attempt of revolutionaries to tamper with the 10th Jat Regiment.

discovery, in the latter part of 1909, of disaffection in the 10th Jat Regiment, stationed at Alipore (Calcutta), and of the participation of some of the men in meetings of revolutionary societies. The attempt of the extremists to sow the seeds of mutiny was not an isolated one, for the evidence collected indicated that an organised effort was being made to tamper with the native army. The action taken by the military authorities dealt effectively with this individual case, and in 1910 a prosecution was instituted in Alipore under section 131, Indian Penal Code, against ten persons for attempting to seduce men of the Regiment from their allegiance. Five persons were eventually committed to stand their trial before a special bench of the Calcutta High Court, which has not yet been constituted.

17. Both in Bengal and Eastern Bengal evidence had by this time been collected to show that revolutionary organisations were especially active in certain definite areas where they were engaged in interfering with the administration of the law, and that, whether actuated by terrorism or sympathy, the mass of the people were largely under their influence and were deterred from rendering assistance towards the preservation of order and the detection of crime.

Further conspiracies in Bengal and Eastern Bengal and Assam. Punitive measures adopted.

Accordingly it was found necessary to quarter punitive police in parts of the districts of Jessore and Khulna in Bengal and of Dacca in Eastern Bengal and Assam. A case was also instituted in Khulna against thirteen persons under section 121-A, Indian Penal Code, which was committed to a special Bench of the Calcutta High Court. Eleven of the accused were convicted and sentenced to transportation for periods varying from seven to three years. In Eastern Bengal an important case of conspiracy was instituted in which a large number of former members of the *Anushilan Samiti*, already referred to in paragraph

The Dacca conspiracy trial.

10, are involved. Chief among the accused is Pulin Behari Das, who had been deported in 1908 and released in February of this year. The conspiracy had started so long ago as November 1905, and the evidence had been under scrutiny for some two years before the case was launched in August 1910. The case, which is still under trial, was instituted under the ordinary procedure owing to the heavy accumulation in the High Court of cases committed under the Criminal Law Amendment Act. Its significance was marked at an early stage by an

Attempted assassination of an Inspector of Police at Dacca. Discovery of bombs.

attempt made by two youths of the same Anushilan gang to assassinate an Inspector of Police who was an important witness in the case. The Inspector, though badly wounded, is expected to recover. His assailants were arrested. No less significant was the discovery in the Munshiganj Sub-division of Dacca, in the house of a notorious associate of the accused in the conspiracy case, of a number of bombs and a formula for their manufacture, and of plans for the commission of dacoities. A bomb was also found in the Bakarganj district suspended in the door of the house of a zamindar who had refused to participate in the anti-British agitation. In Bombay a secret revolutionary society was unearthed

Revolutionary societies discovered in East Khandesh, Aundh and Sholapur.

in East Khandesh, and its chief organiser was prosecuted under sections 121-121-A, Indian Penal Code. Another such society, an offshoot of the Nasik conspiracy, was discovered in Aundh, a native state in the Satara Political Agency. Its members were largely students of the local High School, and one of them was found to be in possession of a bomb. They were prosecuted under the same sections of the Indian Penal Code. Some bombs were also discovered in Pandharpur in the Sholapur District, which had been manufactured in furtherance of revolutionary designs.

18. The tendency of political events during the whole period of Lord Minto's administration is closely reflected in the contemporaneous history of the Indian National Congress. The 21st session of the Congress was held at Benares in December 1905 under the presidency of Mr. Gokhale. It clearly indicated the growing strength of national aspirations, and incidentally it declared the boycott movement to be a constitutional means of protest against unpopular measures.

Reflection of political movements in the Indian National Congress.

The 22nd session was held at Calcutta in December 1906, when Mr. Dadabhai Naoroji presided. On this occasion formal resolutions were passed

in favour of boycott, the *swadeshi* movement, 'colonial' self-government, and 'national' education. The importance of this session chiefly resides in its revelation of the existence of seriously divergent views between the conservative and forward parties in the Congress.

The breach came to a head on the occasion of the 23rd Indian National Congress, which assembled at Surat on the 27th and 28th December 1907. Here,

Its disruption in 1907.

in consequence of the differences between the extremists and moderates (fostered to a large extent by B. G. Tilak), the delegates dispersed in disorder without passing the usual resolutions, and before the president, Dr. Rash Behari Ghose, could deliver his speech.

This same session (23rd), however, again assembled at Madras on the 28th, 29th and 30th December 1908. It was attended by professing moderates only, and the proceedings, over which Dr. Rash Behari Ghose again presided, were quiet and orderly throughout. The extremists attempted to hold a separate Congress of their own at Nagpur, but were prohibited from doing so.

The 24th session was held in Lahore between the 27th and the 29th December 1909. Sir Pherozeshah Mehta

Its subsequent decline in interest and authority.

had originally consented to preside, but shortly before the Congress assembled he resigned the Presidentship—through fear, it is surmised, of untoward events which he might be unable to prevent—and the Hon'ble Pandit Madan Mohan Malaviya took his place. Sir P. Mehta's fears proved to be groundless, for the proceedings were orderly and the tone of the discussions was for the most part unobjectionable. The session was, however, poorly attended, for all attempts to reconcile internal differences had failed. The Congress had admittedly lost its claim to be designated a 'national' institution.

19. Reference has been made from time to time to the part played by students in the agitation. From the

Students involved in agitation. National Council of Education and national schools.

outset it had been necessary to inculcate strict disciplinary action in Government schools and colleges in order to repress this tendency. Partly as a counterblast to these orders, and partly with the genuine object of increasing educational facilities apart from State control, a scheme for a National Council of Education was originated in Calcutta in 1905 and took actual shape in August 1906, on the 16th of which month the opening ceremony of a National College was performed. Under its ægis 'national' schools sprang up in the two Bengals in many of the places where the agitation was most active, of which the students, who were mainly recruited from the ranks of those dismissed from Government institutions, brought themselves into unenviable notoriety by disorderly and immoral conduct and, in not a few cases, by crimes of violence. The declaration made by the Indian National Congress of 1906 in favour of national education gave the movement a further impetus; and though the National Council of Education, whose President is Dr. Rash Behari Ghose, C.S.I., C.I.E., has expressly disapproved of the inclusion in the curricula of schools affiliated to it of teaching calculated to encourage a

Sedition encouraged in national schools.

sedition or disloyal spirit, there is no doubt that in many of the schools the instruction imparted not only directly encourages sedition but in some cases actually supplies training in military tactics and the use of arms.

The idea of national education was not a new one. It had originated, like most phases of anti-British agitation, in

National schools in Western India.

Western India, where schools inculcating hostility to British rule had existed for some time before they were introduced in

the Bengals. One of them, the *Maharashtra Vidyalyaya* of Poona, had started so long ago as 1891, but after the rise of the National Council of Education in Calcutta it was affiliated to it and became a centre for its examinations. Another such centre was the Amraoti school in Berar, and at both of these places it was found in 1909 that text books were prescribed and examination papers set of a markedly seditious type. A similar school at Talegaon in the

The *Samartha Vidyalyaya* proscribed as an unlawful association.

Poona district, the *Samartha Vidyalyaya*, in regard to which a visionary scheme ex-

isted for its conversion into a Maharashtra National University, was found to constitute such a danger to the maintenance of law and order that in June 1910 it was declared to be an unlawful association under Act XIV of 1908.

The Arya Samaj Gurukul at Hardwar.

It is believed that a similar danger exists in the *Gurukul* at Kangri, near

Hardwar, the chief educational institution of the Arya Samaj, where youths are said to be trained from an early age in principles of uncompromising hostility to British rule. No definite evidence however as yet exists to establish the truth of this belief.

20. The unrest in the country was amply reflected in and fostered by the

Malevolent tone of the press. Newspaper pr. sec-
cutious.

native press, which attained a tone of such bitterness and malevolence that measures

had eventually to be adopted specifically to restrain incitements to violence and generally to control the press. The policy at first followed was that of a systematic enforcement of the law against seditious publications. The first prosecution undertaken was that of the *Bhala*, a vernacular newspaper of Poona, which published a malicious article entitled "A Durbar in Hell" with the object of bringing the Government into hatred and contempt. The Government of Bombay, after consulting their law officers, proposed, and the Government of India sanctioned, the prosecution of the editor under section 124-A of the Indian Penal Code. He was convicted on the 13th February 1906 under that section and sentenced to six months' simple imprisonment and to a fine of Rs. 1,000 or one month's further imprisonment.

The *Punjabee* newspaper of Lahore, which had already brought itself on a former occasion to the verge of a prosecution, was prosecuted in June 1906 under section 153-A, in respect of certain articles in which it was alleged that a police sowar had been murdered by his superior officer. The proprietor and editor of the paper were convicted and sentenced on 15th February 1907 to two years' rigorous imprisonment with a fine of Rs. 1,000 and to six months' rigorous imprisonment with a fine of Rs. 200, respectively. The sentence of imprisonment passed on the proprietor was afterwards reduced, on appeal, to six months, and on revision the Chief Court changed the nature of the imprisonment in both cases from rigorous to simple.

Again, in October 1906 the Government of India approved of the action of the Government of Bombay in instituting proceedings under section 108 of the Criminal Procedure Code against the editor of the *Hind Swarajya*, an Anglo-Gujarati newspaper of Bombay, in respect of a seditious article and certain verses. The accused was required to execute a bond for Rs. 300 and to provide two sureties in the sum of Rs. 300 each for his good behaviour for six months. The article and verses in respect of which these proceedings were instituted having been republished by the editor with certain comments, the Government of India sanctioned his prosecution under section 124-A of the Indian Penal Code, and he was convicted and sentenced on the 15th May 1907 to one year's rigorous imprisonment on each charge, the sentences to run concurrently. The accused also forfeited Rs. 100 of the security bond executed by him.

21. In order to ensure uniformity in dealing with cases of sedition instructions were issued to local Governments and Administrations to the effect that

Sanction of the Government of India required to proposed prosecutions for sedition.

whenever they considered it expedient to institute a prosecution under section 124-A of the Indian Penal Code, they should invariably consult the Government of India and await their orders before actually commencing proceedings. These instructions arose out of a case at Midnapore in which in April 1906, without previous reference to the Government of India, the Government of Bengal sanctioned the prosecution of a boy fifteen years old (who subsequently committed the murders at Muzaffarpur) under sections 124-A and 505-(c) of the Indian Penal Code for distributing certain seditious leaflets. The prosecution was withdrawn under the orders of the Governor General in Council and the opportunity was taken to issue the orders referred to above.

22. In February 1907 proceedings were instituted by the Government of Bombay, under section 103 of the Criminal Procedure Code, against the editor

Proceedings against newspapers in 1907.

of the *Vihari* newspaper. The accused was required to execute a bond for Rs. 1,000 with two sureties in the sum of Rs. 500 each to be of good behaviour for six months.

Proceedings were next taken against the newspaper *India* (published in the Punjab) which was prosecuted under section 124-A, Indian Penal Code. The editor and proprietor of the paper was convicted and sentenced on the 30th July 1907 to five years' rigorous imprisonment. On the 3rd June 1907 the Government of India, owing to the seditious nature of the articles which were

The orders requiring the prior sanction of the Government of India withdrawn.

now constantly appearing in most of the native papers, rescinded the orders of the previous year and issued a resolution warning newspapers that the dissemination of sedition and the promotion of ill-will between classes would be repressed by firm and sustained action under the penal law, and empowering local Governments to institute prosecutions in consultation with their legal advisers in all cases where the law was wilfully infringed. As a result of these orders during the remainder of the year 1907 eleven prosecutions were undertaken.

23. In 1908 twenty-four more papers were prosecuted, some of them several

Prosecutions in 1908. The Newspapers (Incitements to Offences) Act passed.

times. The *Yugantar*, a violent revolutionary paper published in Calcutta, the editor or publisher of which had been twice convicted in 1907, was prosecuted four times in 1908, a conviction being obtained on each occasion. It was for the time suppressed, but at spasmodic intervals violent leaflets have been put in circulation under this name. For a long time their sources were unknown, but in July 1910 one such source was discovered in Calcutta, and the persons responsible for its issue were prosecuted and convicted. The *Bande Mataram*, also a Calcutta paper, was prosecuted once in 1907 and once in 1908, and was eventually proceeded against under the Newspapers (Incitements to Offences) Act, to which a reference will be found in the chapter on Legislative measures. The press at which this paper was printed was confiscated and notifications were issued annulling the declaration made by the printer under the Press and Registration of Books Act, 1867, and prohibiting any further declarations being made and subscribed in respect of the same paper or of any newspapers which were the same in substance until the prohibition was

withdrawn. This paper subsequently resumed publication in Geneva, under the auspices of the "Free India Society."

Another frequent offender was the Calcutta paper *Sandhya*, which was in the end similarly suppressed, and other papers against which this Act was applied were the *Sonar Bharat* and *Prabhat* in Bengal, and the *Inquilab* in the Punjab. Among the other papers proceeded against under the substantive law were the *Hind Swarajya* of Bombay and the *Swarajya* of Allahabad which were twice successfully prosecuted; and of those prosecuted singly the most important was the *Kesari* of Bombay, whose editor, B. G. Tilak, was convicted on two charges of sedition and sentenced in all to six years' imprisonment. As already mentioned his conviction was the occasion of riots both in Bombay and Nagpur.

24. The following year 1909 saw some improvement in the tone of the native press and a corresponding decline in the number of newspaper prosecutions.

Some improvement in 1909.

In this year eleven newspapers were prosecuted, three each in Bombay and Bengal, two in the Central Provinces, and one each in the United Provinces (where the *Swarajya* was prosecuted for the third time), in the Punjab and in Eastern Bengal and Assam. All resulted in conviction save one case which was withdrawn on receipt of an apology. The *Tilak* in the Punjab and the *Hindu Punch* in Bombay were suppressed under the Newspapers (Incitements to Offences) Act; and in Bengal the *Khulnavasi* press was similarly confiscated, but subsequently restored to the proprietor on his giving an undertaking of future good conduct.

25. However, in spite of the improvement in outward tone which had resulted in a reduction in the number of prosecutions, the evil influence of the

Evil influence of the press manifest in continuance of outrages. The Press Act of 1910.

press was manifest in the continuance of outrages directly attributable to the doctrines which it preached. In 1910 it was determined that further measures were required to control it, and on the 9th February 1910 the Press Act became law. Its inception is more fully explained in the Chapter on Legislation. The influence of this measure was at once apparent. In the month before its passing six prosecutions had been instituted for offending articles in newspapers—three in the Punjab, two in Eastern Bengal and Assam and one in Bengal. Since its passing only two such prosecutions have been required, the first offender being—for the fourth time—the *Swarajya* of Allahabad, and the second the *Karmayogin* of Calcutta, of which the editor (Arabindo Ghose) absconded, while the printer was convicted. Even in these cases the offences were committed before the Press Act was actually in operation. On the disappearance of its editor the *Karmayogin* and another objectionable paper for which he was responsible—the *Dharma*—ceased to exist. Action under the Press Act was found to be far more effective than prosecution, for on the publication of articles offending against the provisions of section 4 of that Act, security was demanded from a number of newspapers, and several of the worst offenders, among them the *Swarajya* and *Karmayogi* of Allahabad, the *Rasht-ramat* of Bombay, the *Kal* and *Bhala* of Poona and the *Hindu Punch* of Thana, ceased publication owing to inability to find the security demanded. At the same time a great improvement occurred in the general tone of the newspaper press, though increased activity occurred in the output of revolutionary literature from secret sources. Instructions were issued in March to all local Governments enjoining discrimination in the use of the provisions of the Press Act, and particularly of the power to exempt from security well conducted

presses or publications which by formal transfer of site or management were rendered liable to give it.

26. While the Press Act conferred wide powers for repressing seditious utterances, the Government of India were of opinion that they should not rest content with merely negative measures, but should essay the positive task of creating a more reputable type of journalism by encouraging selected loyal vernacular papers and distributing them to minor local officials. They accordingly consulted local Governments and decided to ask them to try the experiment of subsidising journals of this description and distributing them to village school masters, patwaris and the like, in order to counteract the poison spread, even in remote localities, by the seditious press, and to ensure the dissemination of impartial and accurate news regarding the actions and intentions of Government.

Subsidies to loyal vernacular journals.

27. The policy of a systematic enforcement of the law adopted with regard to newspapers was similarly followed in respect of seditious books, leaflets and pamphlets and seditious and inflammatory speeches. In August 1907 one Veni Bhusan Roy, who had made a seditious speech at a meeting of the reception committee of the district conference of Khulna, was ordered by the District Magistrate of Khulna, under section 108 of the Criminal Procedure Code, to furnish security for good behaviour. The Calcutta High Court, however, quashed the proceedings, mainly on the ground that the word "*swaraj*" used in the speech did not necessarily mean self-government independent of the British Crown. In three other cases in this year proceedings were instituted under this section, one in Bengal and two in Bombay, and two prosecutions were undertaken for the dissemination of seditious pamphlets, one in the Central Provinces and the other in Eastern Bengal and Assam. Both were successful. The effect of the issue of the Regulation of Meetings Ordinance in the earlier part of this year has already been referred to. The subsequent passing in November of the Prevention of Seditious Meetings Act (VI of 1907) had a still greater effect in putting a stop to seditious speeches.

Prosecutions for seditious speeches, etc. The Regulation of Meetings Ordinance of 1907 and subsequent Seditious Meetings Act.

28. In 1908 fourteen prosecutions were instituted for sedition, of which four occurred in Bengal, three each in Eastern Bengal and Assam, the United Provinces and Madras and one in the Central Provinces. In Eastern Bengal and Assam, a prosecution was also instituted in respect of certain seditious dramatic performances, and in the Central Provinces certain persons were prosecuted for mutilating the statue of Her late Majesty Queen Victoria at Nagpur. In all these cases convictions were obtained, save in one in which the prosecution was withdrawn. Preventive action was taken under section 108, Criminal Procedure Code, in sixteen cases.

Sedition prosecutions in 1908.

29. In the following year the number of prosecutions for the dissemination of seditious leaflets and poems was ten, of which four each occurred in Bombay and Eastern Bengal and Assam and one each in Bengal and Madras. In two cases apologies were accepted and the rest ended in conviction. In the United Provinces a Bengali was convicted of the offence of disfiguring the statue of Her late Majesty Queen Victoria at Benares. In addition to these prosecutions proceedings under section 108 of the Criminal Procedure Code were taken in fourteen cases.

In 1909.

30. In the following year the number of prosecutions for the dissemination of seditious leaflets and poems was ten, of which four each occurred in Bombay and Eastern Bengal and Assam and one each in Bengal and Madras. In two cases apologies were accepted and the rest ended in conviction. In the United Provinces a Bengali was convicted of the offence of disfiguring the statue of Her late Majesty Queen Victoria at Benares. In addition to these prosecutions proceedings under section 108 of the Criminal Procedure Code were taken in fourteen cases.

30. In 1910 a series of prosecutions was undertaken in Lahore against Ajit Singh and several others in respect of the publication of ten seditious books.

And in 1910.

Ajit Singh and another absconded, and the others with one exception were convicted. Proceedings were also taken under section 110 (f), Criminal Procedure Code, against Bhai Parmanand, a professor of the Dayanand Anglo-Vedic College, Lahore, on whose premises a copy of the Maniktolla bomb manual was found. In Bombay eight prosecutions were instituted in respect of the publication and distribution of seditious pamphlets and pictures; in Bengal there were three such prosecutions and in the Central Provinces one. In Calcutta a prosecution was conducted under section 124-A., against the author, printer and publisher of a *Yugantar* leaflet, of which the reappearance and discovery has been referred to in paragraph 23. Preventive action under section 108, Criminal Procedure Code, was taken in three cases.

31. The agitation in India was largely fostered by anarchist and inflammatory literature imported from England, America, and the Continent of Europe, and mainly emanating from the "Free India Society." In 1907, to meet this growing evil, the Government of India found it necessary to prohibit under the Sea Customs Act the importation into India of certain specified seditious newspapers and leaflets, and certain officers of the Post Office were empowered to search or cause search to be made for copies of such literature in course of transmission through the post. More prohibitions were issued in 1908 and 1909, and on the passing of the Press Act in February 1910 extended powers were taken for the forfeiture of all seditious literature, whether indigenous or foreign, wherever found in India, and the machinery for its detection through the agency of postal and customs officers was enlarged.

It was found moreover that the stopping of the channel of seditious utterance in the press had led to a marked increase of objectionable performances on the stage. The local Governments were accordingly reminded of the powers possessed by them under the Dramatic Performances Act, and several offensive dramas were suppressed.

32. In 1908 and 1909 in order to check the increasing dissemination of revolutionary literature among schoolboys all local Governments were asked to issue instructions to the heads of Government educational institutions requesting them to make arrangements for the delivery to some responsible person of letters, etc., addressed otherwise than by name to the students at the institutions, and to recommend the adoption of similar arrangements to the heads of aided institutions who were likely to accept the suggestion. General instructions were also issued to postal authorities to give effect to these arrangements.

33. Reference has been made elsewhere to the increased stringency which it was necessary to exercise in administering the Arms Act, and to the passing of the Explosives Act. In consequence of a growing frequency of thefts of arms and explosives the local Governments were asked in June 1908 to report all thefts of rifles, revolvers and automatic pistols and all important thefts of dynamite, cordite, fuses and detonators, and instructions were issued in October for the guidance of police officers and others who might have to deal with substances supposed to be explosive and with suspected packages when the assistance of an expert in explosives or of a skilled chemist could not readily be obtained.

Inflammatory literature imported from abroad.
Orders of prohibition.

Objectionable dramatic performances.

Dissemination of revolutionary literature among schoolboys. Measures taken to check it

Thefts of arms and explosives.

34. The participation of Government servants and their relations in seditious

The political situation reviewed in a circular of March 1910. movements had from time to time been noticed, and in March 1910 instructions were issued to local Governments with regard to the disciplinary measures to be exercised to repress any such tendency and to enforce the responsibility of parents and guardians for the conduct of young men under their charge. The opportunity was taken to review the political situation, and to enjoin on all officers of Government the need for a closer watch over the tendency of political thought among the people and the desirability of checking sedition by taking them into fuller confidence in regard to the aims and intentions of Government.

35. Several special enactments were passed to meet political exigencies

Special legislative measures.

which have been incidentally noticed in the course of the narrative of events. They are described in fuller detail in Chapter XIV of this Summary.

CHAPTER III.

CONSTITUTIONAL REFORMS IN INDIA.

Perhaps the most important and far-reaching of the measures undertaken by Lord Minto's Government were the changes made in the constitution of the Imperial and Provincial Legislative Councils, the addition of an Indian Member to the Executive Councils of the Governor General and of the Governors of Madras and Bombay, the creation of an Executive Council for the province of Bengal and the conferring of power by Parliamentary legislation to create such Councils in other provinces. The following paragraphs summarize briefly the discussions on these subjects and the stages by which these important measures were evolved.

(a) *Growth of the Legislative Councils.*—It may be convenient, in order to arrive at a clearer understanding of the subject, to trace shortly the growth of the Legislative Councils down to the Indian Councils Act of 1892, by which their constitution was regulated at the time when the great question of Council reforms was taken up afresh by Lord Minto's Government.

The Charter Act of 1833 centralised legislation in India in the Supreme Council, which was at the same time strengthened by the addition of a Legal Member whose duties were confined entirely to the subject of legislation. The four Presidential Governments of Fort William, Fort St. George, Bombay, and Agra were merely authorised to submit to the Governor General's Council "drafts or projects of any laws or regulations which they might think expedient," and the Governor General in Council was required to take these drafts and projects into consideration and to communicate his resolutions thereon to the Government proposing them. By the Charter Act of 1853 the Legal Member was given a right to sit and vote at executive meetings. At the same time the Council was enlarged for legislative purposes by the appointment of six additional members, of whom two were the Chief Justice of Bengal and one other Supreme Court Judge, and the other four were Company's servants of ten years' standing appointed by the several local Governments. The result was that the Council as constituted for legislative purposes under this Act consisted of twelve members, namely:—the Governor General, the Commander-in-Chief, the four ordinary members of the Governor General's Council, the Chief Justice of Bengal, a Puisne Judge, and four representative members (paid) from Bengal, Madras, Bombay, and the North-Western Provinces. The sittings of the Legislative Council were made public and their proceedings were officially published.

By the Indian Councils Act of 1861 the Governor General's Council was further enlarged for legislative purposes, the Governor General being authorised to nominate not less than six nor more than twelve additional members, to hold office for two years. Of these additional members, not less than one-half were to be non-official, that is to say, persons not in the civil or military service of the Crown. The Lieutenant-Governor of a province was also to be an additional member whenever the Council held a legislative sitting within his province.

The Legislative Council established under the Act of 1853 had modelled its procedure on that of Parliament, and had shown what was considered an

inconvenient degree of independence by asking questions as to, and discussing the propriety of, measures of the Executive Government. The functions of the new Legislative Council were limited strictly to legislation, and it was expressly forbidden to transact any business except the consideration and enactment of legislative measures, or to entertain any motion except a motion for leave to introduce a Bill, or having reference to a Bill actually introduced. Measures relating to the public revenue or debt, religion, military or naval matters, or foreign relations, were not to be introduced without the Governor General's sanction. The assent of the Governor General was required to every Act passed by the Council, and any such Act might be disallowed by the Crown acting through the Secretary of State. The power of legislation which had been taken away from the Governments of Madras and Bombay by the Charter Act of 1833 was restored to them by the Act of 1861. The Councils of the Governors of Madras and Bombay were expanded for legislative purposes by the addition of the Advocate-General and of other members nominated on the same principles as the additional members of the Governor General's Council. No line of demarcation was drawn between the subjects reserved for the central and local legislatures respectively; but the previous sanction of the Governor General was made requisite for legislation by the local legislature in certain cases, and all Acts of the local legislature required the subsequent assent of the Governor General in addition to that of the Secretary of State, and were made subject to disallowance by the Crown, as in the case of the Governor General's Council. The proceedings of these local legislatures were also subject to restrictions similar to those indicated above as obtaining in the case of the Governor General's Council. Lastly, the Governor General was directed to establish by proclamation a Legislative Council for Bengal, and was empowered to establish similar Councils for the North-Western Provinces and for the Punjab. These Councils were to consist of the Lieutenant-Governor and of a certain number of nominated Councillors, and were to be subject to the same provisions as the local legislatures for Madras and Bombay.

The Indian Councils Act, 1892 (55 and 56 Vict., c. 14) authorised an increase in the number of the members of the Indian Legislative Councils, and empowered the Governor General in Council, with the approval of the Secretary of State in Council, to make rules regarding the conditions under which these members were to be nominated. At the same time the Act relaxed the restrictions imposed by the Act of 1861 on the proceedings of the Legislative Councils in that it authorised the discussion of the annual financial statement, and the asking of questions, under prescribed conditions and restrictions. Under the rules made on 23rd June 1893, sixteen additional members were to be appointed to the Council of the Governor-General, of whom six were officials appointed by the Governor General in Council and ten were non-official. Of the non-official members four were appointed on the recommendations of the non-official additional members of the provincial legislatures of Madras, Bombay, Bengal and the United Provinces, each of these bodies recommending one member, and one on the recommendation of the Calcutta Chamber of Commerce. The remaining five members were nominated by the Governor General 'in such manner as shall appear to him most suitable with reference to legislative business to be brought before the Council and the due representation of the different classes of the community'. The additional members held office for two years.

The reforms inaugurated by Lord Minto's Government had their genesis

in a note which was recorded by Lord Minto in August 1906 and which was based entirely on the views His Excellency had himself formed of the position of affairs in India. The note is as follows :—

‘I feel sure my Colleagues will agree with me that Indian affairs and the methods of Indian administration have never attracted more public attention in India and at home than at the present moment. The reasons for their doing so are not far to seek. The growth of education, which British rule has done so much to encourage, is bearing fruit. Important classes of the population are learning to realise their own position, to estimate for themselves their own intellectual capacities, and to compare their claims, for an equality of citizenship, with those of a ruling race, whilst the directing influences of political life at home are simultaneously in full accord with the advance of political thought in India.

‘To what extent the people of India as a whole are as yet capable of serving in all branches of administration, to what extent they are individually entitled to a share in the political representation of their country, to what extent it may be possible to weld together the traditional sympathies and antipathies of many different races and different creeds, and to what extent the great hereditary rulers of Native States should assist to direct Imperial policy, are problems which the experience of future years can alone gradually solve.

‘But we, the Government of India, cannot shut our eyes to present conditions. The political atmosphere is full of change, questions are before us which we cannot afford to ignore, and which we must attempt to answer, and to me it would appear all-important that the initiative should emanate from us, that the Government of India should not be put in the position of appearing to have its hands forced by agitation in this country or by pressure from home, that we should be the first to recognise surrounding conditions and to place before His Majesty’s Government the opinions which personal experience and a close touch with the every-day life of India entitle us to hold.

‘This view I feel sure my Colleagues share with me. Mr. Morley cordially approves it, and in pursuance of it announced, on my authority, in his recent Budget speech my intention of appointing a Committee from the Viceroy’s Council to consider the question of possible reforms.

‘Such enquiries have, as you are aware, taken place before. There was the Commission, over which Sir Charles Aitchison presided, to enquire into the employment of Indians in the public services, and we have also the notable report of the Committee appointed by Lord Dufferin to consider proposals for the reconstruction of Legislative Councils on a representative basis (1888), over which Sir George Chesney presided, and of which the present Lord Macdonnell was Secretary. It is curious to see from that report how similar conditions and arguments were then to what they are now ; with the one great exception that we have now to deal with a further growth of nearly twenty years of increasing political aspirations.

‘But though increased representation is still the popular cry as it was in 1888, other demands or rather suggestions are shaping themselves out of a foreshadowed metamorphosis. We are told of a Council of Princes, of an Indian Member of the Viceroy’s Executive Council, of an Indian Member on the Secretary of State’s Council, and in addition to the older claims put forward on behalf of increased representation on the Legislative Councils, we are asked to consider new procedure as to presentation of the Budget to the Viceroy’s Legislative Council, a prolongation of the Budget Debate, and further opportunity for financial discussion. As to possibilities such as these, I would be grateful for the opinion of the Committee I hope to appoint, limiting myself for the present to only one opinion that in any proposal for the increase of representation it is absolutely necessary to guard the important interests existing in the country, as expressed in paragraph 7, page 3, of the Report of Sir Charles Aitchison’s Committee, *viz.*,—

- (a) the interests of the hereditary nobility and landed classes who have a great permanent stake in the country ;
- (b) the interests of the trading, professional and agricultural classes ;
- (c) the interests of the planting and commercial European community ; and
- (d) the interests of stable and effective administration.

‘The subjects I should propose to refer to the Committee are—

- (a) A Council of Princes, and if this is not possible might they be represented on the Viceroy’s Legislative Council?
- (b) An Indian Member of the Viceroy’s Council.
- (c) Increased representation on the Legislative Council of the Viceroy and of Local Governments.
- (d) Prolongation of the Budget Debate. Procedure as to presentation of the Budget and powers of moving amendments.

‘This Minute is circulated for the information of Members of Council, from whom I shall be glad to receive any suggestions or expressions of opinion which they may desire to make, and which will be communicated to the Committee.

‘When the Committee has reported, their Report will be laid before Council for full consideration.’

The above note elicited valuable opinions and was fully discussed in Council, and though its suggestions were not accepted in their entirety by the Government of India, it laid the foundation of the first scheme of reform which they submitted to the Secretary of State.

The Committee which was appointed, in accordance with His Excellency’s note, to consider and report on the general question of giving to the natives of India a larger measure of political representation and wider opportunities of expressing their views on administrative matters, was composed of the following gentlemen :—the Hon’ble Sir A. T. Arundel, K.C.S.I., Chairman, the Hon’ble Sir Denzil Ibbetson, K.C.S.I., the Hon’ble Mr. Erle Richards, K.C., and the Hon’ble Mr. E. N. Baker, C.S.I., Members, and Mr. H. H. Risley, C.S.I., C.I.E., Secretary. The Committee submitted its report on the 12th October 1906.

The proposals of the Government of India, as first formulated, comprised the formation of Imperial and Provincial Advisory Councils, the enlargement of Imperial and Provincial Legislative Councils and certain changes in procedure to ensure a more effective discussion of the Imperial and Provincial budgets, and, after being approved in draft by the Secretary of State in Council, were communicated to local Governments and Administrations in a circular letter dated August 24th, 1907, with the request that, after consultation with all concerned, they would submit their matured conclusions to the Government of India on each branch of the subject, together with a detailed statement of the alterations proposed to be made in the Council regulations.

After careful consideration of the replies of local Governments and of the representations made direct to the Government of India, a scheme of reform was drawn up and submitted to the Secretary of State in the despatch of the Government of India, no. 21, dated the 1st October 1908, and was sanctioned subject to certain modifications in his despatch no. 193, dated the 27th November 1908.

The principal features of the revised scheme were (1) the abandonment of the original proposals for Imperial and Provincial Advisory Councils and (2) the decision to enlarge the Imperial and Provincial Legislative Councils and to extend their functions to the discussion of administrative and financial questions. The system of representation, as accepted by His Majesty’s Government, is based upon the principles that, in the circumstances of India, representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils; that election by the wishes of the people should be the ultimate object to be secured, whatever

may be the actual machinery adopted for giving effect to it; that the Legislative Councils should reflect the leading elements of the population at large, and that no system of representation would be satisfactory if it did not provide for the presence in the Council of sufficient representatives of communities so important as are the Muhammadans and the landed classes. The proposals were published in December 1908 and met with a favourable reception. A Bill to amend the Indian Councils Acts, 1861 and 1892, and the Government of India Act, 1833, in order to give effect to them was introduced in Parliament and published in India in the early part of 1909, and was passed on the 25th May of that year. With the approval of the Secretary of State in Council, the Governor-General in Council brought the Act into operation with effect from the 15th November 1909, when the rules and regulations relating to the nomination and election of the members of the enlarged Legislative Councils were published.

The following is a brief summary of the changes introduced under the scheme published in November 1909 :—

Firstly.—The number of additional members of the various Legislative Councils was considerably increased, the total strength being raised from 124 to 331 (the maximum strength fixed by the Act of 1909 being 370), and the total number of elected members from 39 to 135.

The following statement exhibits in tabular form the changes which have been made in the constitution of the Councils :—

Constitution of Legislative Councils at the time of the introduction of the Reforms.	Constitution of the Reformed Councils as approved by the Secretary of State in Council.
IMPERIAL LEGISLATIVE COUNCIL.	IMPERIAL LEGISLATIVE COUNCIL.
<i>Ex-officio.</i>	A.— <i>Ex-officio</i> members ... 7*
The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council . . . 7	B.—Officials representing provinces 8
<i>Additional.</i>	C.—Nominated members; not more than 20 to be officials, while 3 must represent respectively the landholders of the Punjab, the Muhammadans of the Punjab, and Indian commerce 27
A.—Nominated members; not more than 9 to be officials; the non-officials to be nominated with reference to legislative business or to represent interests . 11	D.—Elected members ... 25
B.—Elected Members . . . 5	(i) By the Provincial Legislative Councils and the Central Provinces ... 12
(a) by the Legislative Councils of Madras, Bombay, Bengal and the United Provinces . . . 4	(ii) By the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces and Central Provinces 6
(b) by the Calcutta Chamber of Commerce . . . 1	(iii) By the Muhammadans of Madras, Bombay, Bengal, Eastern Bengal and Assam and the United Provinces . . . 5
Total . 23	(iv) By the Chambers of Commerce, Calcutta and Bombay . . . 2
or, including His Excellency the Viceroy . . . 24	TOTAL . 67
	or, including His Excellency the Viceroy . . . 68

* NOTE.—The number of *ex-officio* members has recently been raised to 8 by the addition of a Member for Education.

Constitution of Legislative Councils at the time of the introduction of the Reforms.	Constitution of the Reform Councils as approved by the Secretary of State in Council.
<p style="text-align: center;">PROVINCIAL LEGISLATIVE COUNCILS. MADRAS. <i>Ex-officio.</i></p> <p>Members of the Executive Council 2</p> <p>Advocate-General 1</p> <p style="text-align: center;"><i>Additional.</i></p> <p>A.—Nominated members; not more than 9 to be officials; the non-officials to represent different classes, one ordinarily to be a zamindar paying not less than Rs. 20,000 <i>peshkash</i> annually 13</p> <p>B.—Elected members 7</p> <p style="padding-left: 20px;">(a) by the Corporation of Madras 1</p> <p style="padding-left: 20px;">(b) by Municipalities and District Boards 4</p> <p style="padding-left: 20px;">(c) by the University 1</p> <p style="padding-left: 20px;">(d) by the Chamber of Commerce, or other commercial bodies 1</p> <hr/> <p style="text-align: right;">Total 23</p> <p>or, including the Governor 24</p> <hr/> <p style="text-align: center;">BOMBAY. <i>Ex-officio.</i></p> <p>Members of the Executive Council 2</p> <p>Advocate-General 1</p> <p style="text-align: center;"><i>Additional.</i></p> <p>A.—Nominated members; not more than 9 to be officials; the non-officials to represent different classes of the community 12</p> <p>B.—Elected members 8</p> <p style="padding-left: 20px;">(a) by the Corporation of Bombay 1</p> <p style="padding-left: 20px;">(b) by Municipalities† 1</p> <p style="padding-left: 20px;">(c) by District Boards 2</p> <p style="padding-left: 20px;">(d) by Bombay University 1</p> <p style="padding-left: 20px;">(e) by Sardars of the Deccan and Zamindars of Sind 2</p> <p style="padding-left: 20px;">(f) by the Chamber of Commerce, or other commercial bodies 1</p> <hr/> <p style="text-align: right;">Total 23</p> <p>or, including the Governor 24</p> <hr/> <p>† Voting by electoral representatives on a population scale</p>	<p style="text-align: center;">PROVINCIAL LEGISLATIVE COUNCILS. MADRAS. <i>Ex-officio.</i></p> <p>Members of the Executive Council* 2</p> <p>Advocate-General 1</p> <p style="text-align: center;"><i>Additional.</i></p> <p>A.—Nominated members; not more than 16 to be officials and one to be a representative of Indian commerce 23</p> <p>B.—Nominated experts, who may be either officials or non-officials 2</p> <p>C.—Elected members 19</p> <p style="padding-left: 20px;">(a) By the Corporation of Madras 1</p> <p style="padding-left: 20px;">(b) By Municipalities and District and Taluk boards 8</p> <p style="padding-left: 20px;">(c) By the University 1</p> <p style="padding-left: 20px;">(d) By the landholders 4</p> <p style="padding-left: 20px;">(e) By the planting community 1</p> <p style="padding-left: 20px;">(f) By Muhammadans 2</p> <p style="padding-left: 20px;">(g) By the Madras Chamber of Commerce 1</p> <p style="padding-left: 20px;">(h) By the Madras Trades Association 1</p> <hr/> <p style="text-align: right;">Total 47</p> <p>or, including the Governor 48</p> <hr/> <p style="text-align: center;">BOMBAY. <i>Ex-officio.</i></p> <p>Members of Executive Council* 2</p> <p>Advocate-General 1</p> <p style="text-align: center;"><i>Additional.</i></p> <p>A.—Nominated members; not more than 14 to be officials 21</p> <p>B.—Nominated experts, who may be either officials or non-officials 2</p> <p>C.—Elected members 21</p> <p style="padding-left: 20px;">(a) By the Corporation of Bombay 1</p> <p style="padding-left: 20px;">(b) By Municipalities 4</p> <p style="padding-left: 20px;">(c) By District Boards 4</p> <p style="padding-left: 20px;">(d) By the University 1</p> <p style="padding-left: 20px;">(e) By the landholders 8</p> <p style="padding-left: 20px;">(f) By Muhammadans 4</p> <p style="padding-left: 20px;">(g) By the Bombay Chamber of Commerce 1</p> <p style="padding-left: 20px;">(h) By the Karachi Chamber of Commerce 1</p> <p style="padding-left: 20px;">(i) By the Millowners' Associations of Bombay and Ahmedabad 1</p> <p style="padding-left: 20px;">(j) By the Indian commercial community 1</p> <hr/> <p style="text-align: right;">Total 47</p> <p>or, including the Governor 48</p> <hr/>

* NOTE.—A third member of the Executive Council has since been added—See clause (c) of this chapter.

Constitution of Legislative Councils at the time of the introduction of the Reforms.	Constitution of the Reformed Councils as approved by the Secretary of State in Council.
BENGAL.	BENGAL.
<p>A.—Nominated members; not more than 10 to be officials; the non-officials to represent different classes of the community . . . 13</p> <p>B.—Elected members . . . 7</p> <p>(a) by the Corporation of Calcutta. . . 1</p> <p>(b) by Municipalities (by rotation) . . . 1</p> <p>(c) by District Boards (by rotation) . . . 2</p> <p>(d) by the University . . . 1</p> <p>(e) by the Landholders' Association . . . 1</p> <p>(f) by the Chamber of Commerce or other commercial bodies . . . 1</p> <p style="text-align: right;">Total . . . 20</p> <p>or, including the Lieutenant-Governor . . . 21</p>	<p>A.—Nominated members; not more* than 17 to be officials and one to be a representative of the planting community and one of Indian commerce . . . 22</p> <p>B.—Nominated experts, who may be either officials or non-officials . . . 2</p> <p>C.—Elected members . . . 26</p> <p>(i) By the Corporation of Calcutta . . . 1</p> <p>(ii) By Municipalities . . . 6</p> <p>(iii) By District Boards . . . 6</p> <p>(iv) By the University . . . 1</p> <p>(v) By the landholders . . . 5</p> <p>(vi) By Muhammadans . . . 4</p> <p>(vii) By the Bengal Chamber of Commerce . . . 2</p> <p>(viii) By the Calcutta Trades Association . . . 1</p> <p style="text-align: right;">Total . . . 50</p> <p>or, including the Lieutenant-Governor . . . 51</p>
UNITED PROVINCES.	UNITED PROVINCES.
<p>A.—Nominated members; not more than 7 to be officials; non-officials to represent different classes of the community . . . 9</p> <p>B.—Elected members . . . 6</p> <p>(a) by groups of Municipalities . . . 2</p> <p>(b) by groups of District Boards . . . 2</p> <p>(c) by University of Allahabad . . . 1</p> <p>(d) by the Upper India Chamber of Commerce or other commercial bodies . . . 1</p> <p style="text-align: right;">Total . . . 15</p> <p>or, including the Lieutenant Governor . . . 16</p>	<p>A.—Nominated members; not more than 20 to be officials and one to be a representative of Indian commerce . . . 26</p> <p>B.—Nominated experts, who may be either officials or non-officials . . . 2</p> <p>C.—Elected members . . . 20</p> <p>(a) By large municipalities in rotation . . . 4</p> <p>(b) By the District Boards and smaller municipalities . . . 8</p> <p>(c) By Allahabad University . . . 1</p> <p>(d) By the landholders . . . 2</p> <p>(e) By Muhammadans . . . 4</p> <p>(f) By the Upper India Chamber of Commerce . . . 1</p> <p style="text-align: right;">Total . . . 48</p> <p>or, including the Lieutenant-Governor . . . 49</p>

* Note.—The creation of an Executive Council for Bengal consisting of three members, who will be ex-officio members of the Legislative Council, has since been sanctioned—See clause (d) of this chapter.

Constitution of Legislative Councils at the time of the introduction of the Reforms.	Constitution of the Reformed Councils as approved by the Secretary of State in Council.
<p>EASTERN BENGAL AND ASSAM.</p> <p>A.—Nominated members; not more than 7 to be officials; the non-officials to represent different classes of the community . . . 9</p> <p>B.—Elected members . . . 6</p> <p>(a) by Municipalities and District Boards . . . 3</p> <p>(b) by Associations of landholders . . . 1</p> <p>(c) by Associations of merchants 1</p> <p>(d) by Commissioners of Port of Chittagong . . . 1</p> <hr/> <p>Total . . . 15</p> <p>or, including the Lieutenant-Governor . . . 16</p>	<p>EASTERN BENGAL AND ASSAM.</p> <p>A.—Nominated members; not more than 17 to be officials and one to be a representative of Indian commerce . . . 22</p> <p>B.—Nominated experts, who may be either officials or non-officials . . . 2</p> <p>C.—Elected members . . . 18</p> <p>(a) By municipalities . . . 3</p> <p>(b) By district and local boards . . . 5</p> <p>(c) By the landholders . . . 2</p> <p>(d) By Muhammadans . . . 4</p> <p>(e) By the tea interest . . . 2</p> <p>(f) By the jute interest . . . 1</p> <p>(g) By the Commissioners of the port of Chittagong . . . 1</p> <hr/> <p>Total . . . 42</p> <hr/> <p>or, including the Lieutenant-Governor . . . 43</p> <hr/>
<p>PUNJAB.</p> <p>A.—Nominated members :—</p> <p>Officials . . . 4</p> <p>Non-officials . . . 5</p> <hr/> <p>Total . . . 9</p> <p>or, including the Lieutenant-Governor . . . 10</p> <hr/>	<p>PUNJAB.</p> <p>A.—Nominated members; not more than 10 to be officials . . . 19</p> <p>B.—Nominated experts, who may be either officials or non-officials . . . 2</p> <p>C.—Elected members . . . 5</p> <p>(a) By the Punjab Chamber of commerce . . . 1</p> <p>(b) By the Punjab University . . . 1</p> <p>(c) By Municipal and Cantonment Committees . . . 3</p> <hr/> <p>Total . . . 26</p> <hr/> <p>or, including the Lieutenant-Governor . . . 27</p> <hr/>

Constitution of Legislative Councils at the time of the introduction of the Reforms.	Constitution of the Reformed Councils as approved by the Secretary of State in Council.
BURMA.	BURMA.
<p>A.—Nominated members :—</p> <p>Officials 5</p> <p>Non-officials 4</p> <hr/> <p>Total 9</p> <p>or, including the Lieutenant-Governor 10</p> <hr/>	<p>A.—Nominated officials 6</p> <p>B.—Nominated non-officials 8</p> <p>(a) To represent the Burmese population 4</p> <p>(b) To represent the Indian and Chinese communities 2</p> <p>(c) To represent other interests 2</p> <p>C.—Nominated experts, who may be either officials or non-officials 2</p> <p>D.—Elected by the Burma Chamber of Commerce 1</p> <hr/> <p>Total 17</p> <hr/> <p>or, including the Lieutenant-Governor 18</p> <hr/>

Secondly.—A majority of non-official members was introduced in every Legislative Council, except the Council of the Governor-General, in which the official majority is retained.

Thirdly.—Special provision has been made in the new Regulations for the representation of the professional classes, landholders, Muhammadans and European and Indian Commerce. The first of these interests is represented on the Governor-General's Council by the members elected by the Provincial Legislative Councils, and by the District Councils and Municipal Committees in the Central Provinces; and on the Provincial Councils by the representatives of the District Boards, the Municipalities, the Corporations of the Presidency Towns and the Universities. The other interests are represented upon all the Councils by members elected by special electorates or nominated according to the procedure prescribed by the Regulations. Provision has also been made for the representation of special interests such as the tea and jute industries in Eastern Bengal and Assam and the planting communities in Madras and Bengal. Provision is made for the representation of minor interests and smaller classes by nominations made from time to time as the particular needs of the moment and the claims of each community may require. Representation by nominated members was found to be unavoidable at the time of the introduction of the scheme in respect of (1) the representative of Indian Commerce in all Councils, except

Bombay, (2) the representatives of the landholders and the Muhammadan community of the Punjab on the Governor-General's Council, and (3) the representative of the planting community on the Bengal Council. The Regulations, therefore, provide that a member must be nominated to represent each of these interests, and it is the intention of the Governor General in Council to substitute election for nomination wherever a workable electorate can be formed.

Fourthly.—Subject to certain restrictions, power has been given to members of the Imperial or Provincial Councils to move resolutions regarding any matter of general public interest.

Fifthly.—Power has been given to the members of the various Councils to discuss and criticise the annual Budgets of Revenue and Expenditure more freely than had been customary previously.

Sixthly.—Power has been given to members of Councils when asking a question in Council to put supplementary questions.

The enlarged Legislative Councils assembled for the first time in January 1910.

Representation of the Muhammadans.—One of the more important details of the scheme which gave rise to much discussion and deserves special notice was the question of the proportional representation of Muhammadans. The position was fully explained to the Secretary of State in the despatch from the Government of India, dated the 22nd July 1909, and is summed up as follows :—In examining this question the Government of India took as their starting point His Excellency Lord Minto's reply to the address of the Muhammadan deputation of the 1st October 1906. His Excellency then stated in clear language the general principle that the Indian Muhammadans ought to be represented as a community on the basis, not merely of their numerical strength, but also of their historical and political importance. At the same time he expressly declined to give any undertaking as to the precise means by which the representation of communities should be obtained, or as to the share which the Muhammadans had a right to claim in the administration of public affairs. To that declaration of policy the Government of India consistently adhered. It was plainly affirmed in their circular letter of the 24th August 1907, above referred to, in which certain tentative and provisional proposals were made with the object of giving effect to it in the Imperial Legislative Council. The principle of communal representation was welcomed by the Muhammadans, though opinions differed as to the extent of its application. Some Muhammadans claimed more seats than the Government of India had assigned to them, while others, including some of the most enlightened and influential members of the community, regarded the proposals of the Government as adequate. In their despatch of the 1st October 1903, the Government of India gave somewhat larger scope to the principle in the Imperial Council, and made a similar extension of it in respect of the Provincial Councils. The reception accorded to that despatch by the Indian Muhammadans was in the main favourable. While exception was taken to some points of detail, it was not suggested that the Government of India had departed in any respect from the general undertaking given by the Viceroy. At that time, however,

the attention of Muhammadans was absorbed, and the Government of India's proposals were thrown into the background, by the Secretary of State's suggestion of electoral colleges. This plan, which rejected the principle of communal representation and proposed to entrust Muhammadan interests wholly to mixed electorates, was regarded with misgiving by Muhammadans in India, and was vigorously criticised by the London branch of the All-India Moslem League. The suspicions thus aroused were for the time being allayed by Lord Morley's speech in the House of Lords on the 23rd February 1909, but they were revived at a later stage by the discussions in the House of Commons. The Government of India assumed the Secretary of State's intention to have been that in constituencies specially assigned to the Muhammadans, and in those constituencies only, the members would be elected in all stages by the Muhammadans voting separately, and that at no stage of the elections for any seats thus assigned would there be mixed electorates such as the scheme of electoral colleges involved.

It may be said that three different solutions of the problem of Muhammadan representation had been put forward at various stages of the discussion, namely—

- (1) Mixed electoral colleges based on the principle of proportional representation.
- (2) Separate electorates conferring exclusive representation, the Muhammadans not voting in any mixed electorate.
- (3) Separate electorates, supplemented to the full extent of their legitimate claims by further representation through mixed electorates, or by nomination where they failed to obtain a fair share of the elective seats.

The first plan was eventually abandoned. The second was advocated in general terms by the London branch of the Moslem League and by a considerable number of Indian Muhammadans, though amongst the latter there was a diversity of opinion. But no specific proposal for giving effect to it had been made to the Government of India, and they could not, from a broad political point of view, think it advisable in the interests of the Muhammadans themselves. The third plan was the solution which the Government of India themselves recommended. It appeared to them that under a system of exclusive representation the Muhammadan community would be to a great extent cut off from the stimulating influences of political life. In the scheme which they advocated in their despatch of 1st October 1908, which might be described as a scheme of partial separation, and to which they adhered in principle, they endeavoured to avoid this danger. The solution which they proposed guaranteed to the Muhammadans, by means of specially assigned seats, a fair measure of communal representation, and at the same time gave them the means of extending their influence by competing for seats allotted to general electorates. Both directly and indirectly it was expected that they would thus be encouraged to educate themselves as a political power. Their influence in the Councils would depend not only on the assigned seats but also on the seats won in competition with other communities, and this circumstance would offer

a strong inducement to their representatives to show a united front and to make good use of the position in which the Government of India's scheme placed them.

The Regulations issued in November 1909 make special provision for the representation of the Muhammadan community on the Governor-General's Council by six members, five to be elected by purely Muhammadan electorates, *i.e.*, the Muhammadans of Madras, Bombay, Bengal, Eastern Bengal and Assam and the United Provinces, the sixth member filling the nominated seat expressly reserved for a representative of the Muhammadan community of the Punjab. They provide also that in the case of the second, fourth and succeeding alternate elections by (1) the landholders in the United Provinces of Agra and Oudh and (2) the landholders in Eastern Bengal and Assam, a second member shall be elected by the Muhammadan members of each of these classes. Muhammadan representation was, with the approval of the Secretary of State, further explained as follows in the Home Department resolution of the 15th November 1909, publishing the Councils reform scheme :—

The representative of the Bombay landholders on the Governor-General's Council will be elected at the first, third and subsequent alternate elections by the landholders of Sind, a great majority of whom are Muhammadans, while at other elections he will be elected by the Sardars of Gujarat or the Sardars of the Deccan, a majority of whom are Hindus. Again, the landholders of the Punjab consist of about equal numbers of Muhammadans and non-Muhammadans, and it may be assumed that their representative will be alternately a Muhammadan and non-Muhammadan. It has accordingly been decided that at the second, fourth and succeeding alternate elections, when these two seats will presumably not be held by Muhammadans, there shall be two special electorates consisting of the Muhammadan landholders who are entitled to vote for the member who represents in the Governor-General's Council the landholders of the United Provinces and Eastern Bengal and Assam, respectively.

The Regulations also fix the following numbers of elected Muhammadan members on the Provincial Legislative Councils :—Madras, 2 ; Bombay, 4 ; Bengal, 4 ; United Provinces, 4 ; and Eastern Bengal and Assam, 4.

(b) *Reforms in Executive Councils :—Executive Council of the Governor General.*—In the despatch to the Secretary of State dated the 21st March 1907 submitting the first scheme of reform the question of the appointment of an Indian Member of the Viceroy's Council was raised and fully discussed, but the Government of India were unable to arrive at a unanimous conclusion. A minority of the Council consisting of His Excellency Lord Minto, the Hon'ble Sir A. Arundel and the Hon'ble Mr. Baker, recommended that power should be taken by legislation in Parliament to increase the number of members by one, and that the seat so created should always be filled by a native of India to be appointed in the same manner, to discharge the same duties, to exercise the same powers, and to receive the same remuneration as existing members. The Secretary of State, in his despatch of 17th May 1907, pointed out that there was nothing to hinder a native of India possessing the necessary statutory and personal qualifications from being appointed at once to be a member of the Viceroy's Executive Council if there were a vacancy. While, however, agreeing entirely with His Excellency as to the expediency of placing an Indian member on the same footing as European members, His Majesty's Government decided that they could not comply with the request that early legislation should be

undertaken with this aim. In a telegram dated 4th March 1909 the Government of India urged, in the event of the Secretary of State deciding to recommend an Indian for appointment to the Viceroy's Council, that the decision should be based only on the qualification and fitness of the individual to hold the appointment, and they were strongly opposed to the allocation of any seat on the Council to an Indian or to the creation of any practice or usage that would encourage any belief that an Indian must of necessity be appointed to such a seat. In this connection they also observed that the necessity for preserving an absolute impartiality between the various races and creeds of India was even more important in the case of the Viceroy's Council than in the case of the Provincial Councils on which the Government of India addressed the Secretary of State in their telegram of the 8-9th February 1909.

The practical result of the discussion was the appointment of the Hon'ble Mr. S. P. Sinha, Bar.-at-Law, Advocate-General of Bengal, as the first Indian Member of the Governor General's Executive Council. Mr Sinha took upon himself the execution of the office of Legal Member of the Governor General's Council on the 19th April 1909.

(c) *Executive Councils of Governors and Lieutenant-Governors.*—In concluding their despatch of the 1st October 1908 regarding Legislative Councils the Government of India observed that the effect of their proposals would be to throw a greater burden on the heads of local Governments, not only by reason of the actual increase of work caused by the longer sittings of the Legislative Councils, but also because there would be considerable responsibility in dealing with the recommendations of those Councils. They therefore suggested the possibility that experience might show it to be desirable to strengthen the hands of the Lieutenant Governors in the larger provinces by the creation of Executive Councils, and to assist the Governors of Madras and Bombay by enlarging the Executive Councils in those Presidencies. In his despatch of 27th November 1908 the Secretary of State observed that it was conformable to the policy of that despatch to take power to raise to four the number of members of each of the Executive Councils in Madras and Bombay, one at least of the members being an Indian. This latter provision the Secretary of State proposed to leave to practice and usage growing into confirmed rule. As to the creation of Executive Councils in the other larger provinces, he remarked that he was much impressed by both the considerations mentioned above which weighed with the Government of India in making the suggestion, and he proposed to ask for power to create such Councils from time to time as may be found expedient.

The draft bill to amend the Councils Acts as originally introduced in Parliament and published in India in March 1909, contained a clause (clause 2) in which power was taken to fix the number of ordinary members of the Madras and Bombay Councils at such figure not exceeding four as the Secretary of State in Council may from time to time direct, of whom two at least shall be persons who at the time of their appointment have been in the service of the Crown in India for at least twelve years. With reference to this clause the Government of India stated in a telegram to the Secretary of State dated 8-9th February 1909 that the local Governments concerned had taken exception to the intimation in his despatch of 27th November 1908

that one at least of the Members should be an Indian, and agreed with them in thinking that there was no necessity for increasing the number of members to four, and added that they were unanimously opposed to the appointment of any Indian on racial grounds alone. This latter view was repeated in a telegram dated 9th March 1909. The clause of the Bill relating to the Madras and Bombay Executive Councils was not, however, altered in the Bill passed into law.

An Indian Member (the Honourable the Maharaja of Bobbili) was appointed by His Majesty the King to the Madras Executive Council, and another (the Honourable Mr. M. B. Chaubal) to the Bombay Executive Council at the end of April 1910.

Clause 3 of the Bill to amend the Indian Councils Acts as originally introduced in Parliament took power for the Governor General in Council, with the approval of the Secretary of State in Council, by proclamation, to create a Council in any province under a Lieutenant Governor for the purpose of assisting the Lieutenant-Governor in the executive Government of the province. This clause formed the subject of much discussion in Parliament. So far as the Government of India were concerned, they explained in a telegram dated the 4th March 1909 that they were not prepared to assent to the view that in all the larger provinces the time had come for a change of this character, but the power in the Bill was permissive only and was to be exercised by the Governor General in Council from time to time, as might be found expedient. They had no objection to the proposal in this form. In a telegram dated 9th March 1909 the Government of India explained their reasons for supporting the proposal to create Provincial Executive Councils, and said that they were in favour of having the power proposed by clause 3 of the Bill and that they should regret the loss of the opportunity which then presented itself of obtaining that power. They added, however, that they were altogether opposed to any suggestion that a seat should always be reserved for an Indian, and that all selections of Indians for appointment must be determined solely on grounds of individual fitness, and not of qualifications of race.

In a telegram dated 8th April 1909 the Secretary of State intimated that clause 3 of the original Bill had been struck out from the Bill as referred to a Committee in the House of Commons, but that its restoration in a modified form would be moved by the Under Secretary of State for India. The clause as inserted in the Bill which was passed into law on the 25th May 1909 took power for the Governor-General in Council, with the approval of the Secretary of State in Council, by proclamation, to create a Council in the Bengal Division of the Presidency of Fort William for the purpose of assisting the Lieutenant-Governor in the executive Government of the province; and also to create a Council in any other province under a Lieutenant-Governor, provided that before any such proclamation is made, a draft thereof shall be laid before each House of Parliament for not less than sixty days during the session of Parliament, and, if before the expiration of that time an address is presented to His Majesty by either House of Parliament against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft.

(d) *Executive Council for the Lieutenant-Governor of Bengal.*—At the instance of the Lieutenant-Governor of Bengal, Lord Minto's Government, in a telegram dated the 12th March 1910, recommended to the Secretary of State the creation of an Executive Council for Bengal under sub-section (1) of section 3 of the Indian Councils Act, 1909, and at the same time submitted a draft of a proclamation to be issued under that section. The Secretary of State, in a telegram dated the 26th April 1910, approved the terms of the proclamation and accorded sanction to the creation of a Council of three Members, excluding the Lieutenant-Governor, on a pay of Rs. 5,000 per mensem, of whom one should be an Indian. His Lordship at the same time sanctioned the retention of the Board of Revenue, Lower Provinces, consisting of one member for the present, on the distinct understanding that within a period of not exceeding two years the duties of the Board would be distributed between Commissioners of Divisions and the Members of the Executive Council, after considering the proposals made by the Royal Commission on Decentralization.

CHAPTER IV.

ADMINISTRATIVE.

1. In March 1906 the Secretary of State addressed the Government of India regarding the proposed amendment of the rules made under the Statute 43 Vict, Cap. 3, for the equipment and voyage of certain officers who are appointed to high offices in India, *viz.*, the Governor General, Members of the Governor-General's Council, the Governors of Madras and Bombay, the Commander-in-Chief of the Forces in India, and the Bishops of Calcutta, Madras and Bombay. He asked for the opinion of the Government of India, in respect both of their practical and legal aspects, on the following proposals, *viz.*, that the Governor General designate should perform the latter part of his journey to India in a R. I. M. vessel, embarking either at Suez or Aden; and that allowance for equipment and voyage should also be granted to the Governor-General and the other high officers named above if appointed (1) while residing in India or Ceylon, and (2) while residing in other parts of the world out of Europe. In September 1906 the Government of India replied that there was no legal or other objection to the proposals and suggested Aden as the port from which a R. I. M. vessel should be provided to convey the Governor-General designate and his family and suite to India, and that the port of landing should be Bombay. The rules on the subject were amended accordingly by the Secretary of State in November 1906.

2. In succession to Lord Amptill, G.C.S.I., G.C.I.E., who resigned his Governor-ships of Madras and Bombay. office on February 15, 1906, His Majesty appointed the Hon'ble Sir Arthur Lawley, K.C.M.G., to be Governor of Madras. Pending the arrival of the new Governor on March 28, 1906, the charge of the Governorship devolved upon the Hon'ble Mr. Gabriel Stokes, C.S.I., Member of Council. Lord Lamington, G.C.M.G., G.C.I.E., Governor of Bombay, having relinquished his office on July 27, 1907, the Governorship of Bombay devolved temporarily upon the Hon'ble Mr. J. W. P. Muir Mackenzie, C.S.I., Member of the Governor's Council. The Hon'ble Sir George Sydenham Clarke, G.C.M.G., G.C.I.E., who was appointed by His Majesty, assumed charge on October 18, 1907.

3. In April 1906 Sir Andrew Fraser, K.C.S.I., Lieutenant-Governor of Bengal, was granted leave of absence on medical certificate for six months. The Hon'ble Mr. L. Hare, C.S.I., C.I.E., Member of the Board of Revenue, Lower Provinces, officiated for him from April 10 to August 15, 1906, when he vacated the post in order to take up the appointment of Lieutenant-Governor of Eastern Bengal and Assam in place of the Hon'ble Sir Bampfylde Fuller, K.C.S.I., C.I.E., who had resigned. The Hon'ble Mr. F. A. Slacke, C.S.I., another Member of the Board of Revenue, officiated as Lieutenant-Governor of Bengal during the remaining period of Sir Andrew Fraser's leave. Sir James La Touche, K.C.S.I., retired on January 1, 1907, and was succeeded as Lieutenant-Governor of the United Provinces, by Sir John Hewett, K.C.S.I., C.I.E., Member of the Governor General's Council (Commerce

(a) { Desp. no. 43 (Pub.), d. Mar. 30, 1906, and enclosure.
 { F. I. des. no. 324, d. Sep. 13, 1906.
 { Desp. no. 176 (Pub.), d. Nov. 16, 1906, and enclosure.

and Industry Department). Sir Charles Rivaz, K.C.S.I. retired on March 5, 1907, and Sir Denzil Ibbetson, K.C.S.I., Member of the Governor General's Council (Revenue and Public Works Departments) was appointed to succeed him as Lieutenant-Governor of the Punjab. During the absence of the latter on medical leave from May 22 to August 11, 1907, Mr. Thomas Gordon Walker, C.S.I., Financial Commissioner, Punjab, officiated. Owing to ill-health, Sir Denzil Ibbetson resigned his appointment on January 22, 1908. As Sir Louis Dane, K.C.I.E., C.S.I., who had been appointed to succeed him, was unable to take up the duties of Lieutenant-Governor at once, Sir Thomas Gordon Walker, K.C.I.E., C.S.I., then acting as President of the Punjab Canal Colonies Committee, was appointed to the office as a temporary arrangement. He was relieved by Sir Louis Dane on May 25, 1908. Sir Lancelot Hare, K.C.S.I., C.I.E., Lieutenant-Governor of Eastern Bengal and Assam, having been granted leave for six months from May 19, 1908, Sir Charles Bayley, K.C.S.I., Resident at Hyderabad, acted for him. Sir Andrew Fraser, Lieutenant-Governor of Bengal, whose term of office would have expired on November 2, 1908, was granted an extension to the end of that month and was succeeded by Sir Edward Baker, K.C.S.I., who assumed office on November 30, 1908. Sir John Hewett, Lieutenant-Governor of the United Provinces, was granted leave of absence on medical certificate for five months and twenty days from April 30, 1910, and the Hon'ble Mr. L. A. S. Porter, C.S.I., Member of the Board of Revenue, United Provinces, was appointed to officiate for him. Sir Herbert Thirkell White, K.C.I.E., Lieutenant-Governor of Burma, whose term of office would have expired on May 8, 1910, was granted a short extension until May 19, 1910, when he was succeeded by Sir Harvey Adamson, Kt., K.C.S.I., Member of the Governor General's Council (Home Department).

4. The Hon'ble Mr. J. O. Miller, C.S.I., Chief Commissioner of the Central Provinces, was granted three months' leave in July 1906; the Hon'ble Mr. S. Ismay, C.S.I., Judicial Commissioner, officiated for him. On March 5, 1907, a permanent vacancy occurred in the office of Chief Commissioner by the appointment of Mr. Miller to be Revenue Member of the Governor General's Council. Mr. R. H. Craddock, C.S.I., a Commissioner of a division in the Central Provinces, was selected as Mr. Miller's successor, but pending assumption of charge on March 25, 1907, Mr. F. A. T. Phillips, another Commissioner, acted as Chief Commissioner. During Mr. Craddock's absence on leave from May 20 to November 21, 1909, Mr. Phillips again acted as Chief Commissioner.

5. When leaving the Central Provinces the Honourable Mr. J. O. Miller, C.S.I., suggested that the Chief Commissioner should be placed on the same footing as a Lieutenant-Governor in the matter of his travelling allowance. In view of the increased importance of the charge he thought that the time had come for the Head of the Administration to be allowed to control his own travelling expenses and to be exempted from the liability to submit travelling allowance bills*. The Government of India agreed in this view and fixed, with effect from the year 1908-09, the amount of the annual tour grant at Rs 25,000. It was decided that the grant should not be subject to audit, and that the unexpended balance of any year should not lapse, but should be available for expenditure in the following year*.

(a) C. P. letter no. 501, d. Mar. 4, 1907.

(b) H. D. letter no. 1231, d. Oct. 25, 1907.

6. In November 1908 the Secretary of State brought to notice that these officials when they have taken leave on medical certificate sometimes return to India without appearing before the Medical Board at the India Office and obtaining a certificate of fitness to return to duty. His Lordship requested that a rule should be made pointing out that the provisions of Article 224 of the Civil Service Regulations apply to these high officials and requiring them to conform to that rule as regards obtaining a certificate of fitness before returning to duty. He added that the same procedure should be followed in the case of Judges of the High Courts. A copy of the despatch was communicated to Local Governments and Articles 534 and 537 of the Civil Service Regulations have been amended accordingly. In sending the Secretary of State a draft of a rule to be added, with his approval after rule 9 in Article 543 regarding High Court Judges, the addition of a similar rule was suggested to Article 567 regarding the grant of leave to the Bishops of Calcutta, Madras and Bombay^a.

7. Under Article 537, Civil Service Regulations, which reproduces section 26 of the Statute 24 and 25 Vict., Cap. 67, an Ordinary Member of Council may be granted leave on medical certificate for a period not exceeding six months, and if he returns to India and resumes his duties as a Member of Council he is entitled to draw half his salary for the period of his leave. In his Despatch no. 136 (Public), dated the 10th November 1887, Viscount Cross after consulting his legal adviser ruled that no leave should be granted under the Statute to a Member unless a sufficient period of his tenure of office remains unexpired to admit of a *bonâ fide* resumption of duties on his return. The effect of this ruling is that a Member who requires leave but who has not a sufficient period of his term of office remaining to allow of a *bonâ fide* resumption of his duties on the Council has no option but to resign his office and take furlough under the ordinary rules, which limit his furlough allowance, in the case of an officer of the Indian Civil Service, to a maximum of £1,000 a year. This course was adopted by Sir Antony MacDonnell in 1895 and by Sir Edward Baker in 1908. The Government of India considered that this rule operated harshly in the case of a Member of Council who required leave prior to assuming another high appointment, inasmuch as it placed him in a worse position in point of leave allowances than a Chief Commissioner and even than a Magistrate and Collector of the second grade since a Member of Council who took six months' combined leave, of which three months were privilege leave, would draw only £500 for the whole six months. Moreover, if a Member resigned his office in order to avail himself of a short rest before taking up another responsible office, he might suffer by forfeiting privilege leave. Any privilege leave which he may have earned before he became a Member is nominally carried to his credit, but when he resigns his seat on the Council such leave is of no advantage to him since he cannot draw privilege leave allowances as he has not a lien on any appointment (see Article 261, Civil Service Regulations). The Government of India considered it anomalous that a Member of Council should be eligible for six months' leave on medical certificate on half pay during his incumbency, but that he should not be entitled to an allowance of more than £1,000 a year if he took leave pending his transition from the office of Member

(a) { Desp. no. 8 (tin.), d. Nov. 6, 1908.
H. D. desp. no. 13, d. April 1, 1909.

to another heavy and important post. They thought the case still harder if the officer had not, while Member, taken any leave under the Statute. For these and other reasons affecting the public interest the Government of India asked the Secretary of State to sanction a rule to the effect that an Ordinary Member of Council, if he resigned his office with the object of taking leave prior to assuming charge of a higher appointment and if he had not availed himself of the leave allowed by section 26 of the Statute 24 and 25 Vict., Cap. 67, during his tenure of office as a Member, should be eligible for ordinary furlough for a period not exceeding six months, and that during such furlough he should be allowed to draw half his salary as member without being subject to the limit of £1,000 prescribed by Article 314 of the Civil Service Regulations^a. His Lordship refused to sanction the proposals^b.

8. In paragraph 14, chapter II, of the summary of Lord Curzon's Administration mention was made of the results of Mr. Barrow's investigation into the data on which the cadre, strength and recruitment of the Indian Civil Service are based, and it was stated that the figures which Mr. Barrow took to represent actual requirements were being verified in the several departments, and that the local Governments would then be required to apply the revised percentages to the existing cadres. Lord Minto's Government accordingly addressed the local Governments in May 1903. They explained the results of the inquiry, which they accepted, and directed that they should now be adopted as the standard for calculating the future cadres, strength and recruitment of the Indian Civil Service and Commissions. They then examined the application of the revised percentages and principles to the existing cadres; but in doing so they fully recognized that actuarial calculations must be made to accord with administrative requirements, and that the danger of unduly limiting, or the inconvenience of unnecessarily expanding, the proportion of junior European officers as the result of too strict an adherence to an arithmetical calculation must be avoided. Bearing in mind the above principle the Government of India worked out provisionally the number of cadre appointments and strength of service required in each province, and invited the local Governments' views upon the various proposals involved therein. The action which the Government of India took was also reported to the Secretary of State, who was promised a further communication regarding the result of the reference to the local Governments. With the exception of the Government of Bombay and Bengal, all the local Governments and administrations accepted the proposals of the Government of India with very slight modification which was satisfactorily arranged. The Government of Bombay contended that the number of charges and the total strength of the service allowed by the Government of India were not sufficient for the administrative requirements of the presidency and urged that the former should be 132 and the latter 183. Having examined the proposals and arguments of the Bombay Government very carefully the conclusions of the Government of India were explained to them. The Government of India agreed to the number of charges being fixed at 124 and the service strength at 173. The Bombay Government accepted the Government of India's proposals generally but they still claimed that the number of political and inferior judicial appointments was inadequate. The matter was further considered, but the Government of India saw no reason to alter their previous decision. The Government of Bengal represented that 37 inferior appointments and a

(a) F. D. desp. no. 253, d. Aug. 20, 1903. |

(b) Desp. no. 176 (Pub.), d. Nov. 6, 1903.

total strength of 183 officers available under the scheme were not sufficient for the administrative needs of the province and asked for 49 inferior posts and a strength of 200 officers. The Government of India accepted the local Government's estimate of inferior appointments with a slight modification which resulted in the number of such posts being fixed at 45 and the strength of the service at 193; but, as the scientific method of calculation would give only 37 such posts, the Government of India agreed to create temporarily eight inferior posts on the understanding that they would be absorbed as new superior appointments were created hereafter. The whole scheme was then reported^a to the Secretary of State who sanctioned it^b. The net result was that the strength of Indian Civil Service in the various provinces was fixed as follows:— Madras, 175; Bombay, 173; Bengal, 193; United Provinces 233; Punjab 156; Burma, 171; Eastern Bengal and Assam, 133; Central Provinces, 105; or a total of 1,344 officers. Upon this strength the annual normal rate of recruitment works out to a total of 55·8 officers.

In 1903 Lord George Hamilton directed the quinquennial examination of the state and prospects of the Indian Civil Service. The first such examination was undertaken during Lord Curzon's administration and its result was communicated to the Secretary of State in 1904. This related to the position as it stood on the 1st July 1903. The second examination was due in 1908 but it was postponed until the final proposals of the Government of India for the constitution of the service on the basis of Mr. Barrow's revised data had been submitted to the Secretary of State. The second quinquennial examination was accordingly undertaken on the basis of the statistics furnished by the Civil Lists of the 1st April 1909, since the state of the service on the 1st April is less affected by the absence of officers on leave and the consequent promotion than on the 1st July the date on which the previous examination was based. Having considered the position of each province both from the theoretical point of view and from that of actual facts as shown in the Civil Lists the Government of India arrived at the conclusion^c that the rate of promotion in the Madras presidency and the United Provinces was unduly retarded; that in the Central Provinces the position was practically normal; that it was better than normal in the provinces of Burma and Eastern Bengal and Assam; and for the reasons given they considered that no special measures of relief were called for in any of these provinces. As regards the Bombay presidency it was observed that five officers were drawing less than the standard rate of salary drawn by their contemporaries in other provinces, and the Government of India thought that a good case existed for raising the emoluments of five officers to the extent of the normal salary obtainable in other provinces by creating a special grade of assistant collectors on Rs. 1,200 a month, should the Government of Bombay desire such a course. As regards Bengal, although no special measure of relief was called for so far as promotion to superior posts was concerned, it was proposed that as eight more inferior appointments were created as a temporary measure, these appointments should be provided for in the second grade of joint magistrates on Rs. 700 and that the opportunity should be taken to rectify the present defective grading of joint magistrates by adding two appointments on Rs. 700 in lieu of two posts of assistant magistrate on Rs. 500. In regard to the Punjab it was noticed that some of the assistant commissioners were considerably worse placed than

(a) H. D. des. no. 25 (Est.) d. June 24, 1909 | (b) Des. no. 9 (Pub.), d. Feb 4, 1910.
(c) H. D. des. no. 9, d. March 31, 1910.

officers of similar standing in other provinces in point of substantive pay due to the fact that the actual number of assistant commissioners of the higher grades was short by nine posts and it was proposed to remedy the defect by substituting nine assistant commissioners of the first two grades for the same number of assistant commissioners of the third grade. The Secretary of State accepted the Government of India's conclusions and sanctioned their specific recommendations as to Bengal and the Punjab; but as regards Bombay His Lordship observed that should it be decided to submit to him a proposal for the creation of a special grade of assistant collectors he should be furnished with full information to enable him to judge whether the evils to be remedied are of a permanent and serious character.

9. In 1907 Sir Steyning Edgerley, formerly Chief Secretary to the Government of Bombay, submitted certain suggestions for a modification of the pension rules applicable to members of the Indian Civil Service, the principal objects of which were to secure to higher officials who have rendered long and conspicuous service better pensions than £1,000 per annum which is the existing uniform rate for all officers of the service. It was urged that the present rate was unnecessarily liberal for officers who do not obtain normal promotion and retire from the junior ranks, and inadequate for those who are selected for higher appointments and remain in service for over 30 years. The question raised was a difficult one as the present conditions had subsisted for many years and a change of system might affect recruitment prejudicially, and would probably involve considerable extra expenditure probably as much as £20,000 a year. It was therefore decided to defer indefinitely the consideration of the subject.

10. In September 1908 a suggestion was put forward by a member of the Indian Civil Service Family Pension Regulations. Indian Civil Service that the rate of subscription payable for a son should be raised in order to permit of the pension of a male orphan being continued until he attains the age of 25 years instead of ceasing at the age of 21 years as at present. In forwarding the letter to the Secretary of State the Government of India pointed out that the rule in question was adopted from the rules of the Bengal Civil Fund which were in operation from the year 1850, and that, under present conditions the average young man of this class has not finished his education, or if he has done so, has not begun to be self-supporting, at the age of 21. They remarked that the cessation of his pension at that age may therefore result in his having to abandon the attempt to enter one of the liberal professions, for which a prolonged and expensive education is necessary, and they considered that the suggestion had much to commend it and believed that many subscribers to the fund would welcome the proposal and would willingly agree to pay a higher rate of subscription. They asked His Lordship if he had any objection to subscribers being consulted on the subject, and if not, to be informed of the terms on which he would be prepared to grant the benefit proposed. The Secretary of State intimated that he was unwilling to make any alteration in either Civil or Military Family Pension Rules pending the Report of a Committee which he had appointed to consider certain questions relating to the Indian Military Service Family Pension Regulations.

11. By the appointment of Mr. F. Field, a member of the Punjab provincial service, to be a divisional judge in the North-West Frontier Province, certain

(a) Des. no. 90, (Pub.) d. July 29, 1910

(b) F. D. desp. no. 56, d. Mar. 11, 1909.

(c) Desp. no 5 (Finl. Funds), d. Oct. 1, 1909.

officers of the Punjab Commission were superseded, and as they thereby suffered considerable loss, the Punjab Government recommended that Mr. Field should from the date of his appointment as a divisional judge be treated as supernumerary in his grade. The Government of India supported this proposal subject to the condition that the arrangement should cease when the officers of the North-West Frontier Province were brought on to the graded list of the Political Department^a. This recommendation was sanctioned by the Secretary of State on February 16, 1906^b.

In April 1885 the pay of Commissioners in the Punjab was fixed at Rs. 2,750 a month. In its letters of June and September 1903 the local Government endeavoured to show that under present conditions the pay so fixed was insufficient and recommended that it should be raised to Rs. 3,000, the fixed travelling allowance remaining as before at Rs. 250 a month. The Government of India were unable to accept the proposal and declined to recommend it to the Secretary of State^c.

In 1909 the Government of the Punjab submitted proposals for (1) the creation of the appointments of a second Financial Commissioner and a third Secretary to Government, (2) the abolition of the appointments of Settlement Commissioner and Excise Commissioner, and (3) the raising of the status and emoluments of the Junior Secretary to the Financial Commissioner to those of the Senior Secretary. The Government of India recommended^d the proposals to the Secretary of State who^e sanctioned them with a slight modification as to the rate of pay of the junior Secretary to the Financial Commissioners.

12. Under the rules relating to the confirmation of military officers in provincial commissions which were issued in 1896 and 1897, an officer of the

Burma Commission.

Indian Army selected for the Burma Commission was appointed in the first instance on probation for one year, independently of the regulations on the subject of his passing the departmental examinations, and was not confirmed until this period of probation was over, even though he might pass those examinations entirely at an earlier date. Such an officer might be reverted to military duty if he failed to pass the departmental examination by the lower standard within eighteen months, and was bound to be so reverted at the end of three years if he had not passed that examination by the higher standard within that time. The Government of Burma represented in 1905, that it was not always possible to judge of an officer's fitness for civil duty within a period of twelve months from the date of his first appointment, and suggested that the local Government should be at liberty to recommend, on the ground of unfitness for civil employ, the reversion of an officer to military duty at any time before he passed the departmental examinations and qualified for confirmation. While approving of the suggestion, the Government of India doubted whether it went far enough in the direction of reserving to the local Government discretion to revert to military duty officers who were found unsuitable for civil employment. As the regulations stood, there was nothing to prevent an officer who had served for the probationary period of one year from being confirmed in the Commission immediately after he passed the departmental examination by the higher standard. It was possible, however, that an officer with a faculty for acquiring languages who passed by the higher standard in a year or so

(a) F. D. desp. no. 417, d. Dec. 21, 1905.

(b) Desp. no. 8 (Judl.), d. Feb. 16, 1906.

(d) F. D. desp. no. 112, d. May 19, 1910.

(e) Des. no. 97, (Pub.), d. Aug. 12, 1910.

(c) { H. D. letter no. 850, d. Aug. 13, 1908.

{ H. D. letter no. 116 b, d. Nov. 17, 1908.

might, for other reasons which did not then disclose themselves, be quite unfitted for responsible civil work. The Government of India therefore ordered that irrespective of the conditions relating to the passing of departmental examinations the term of probation might be extended, at the discretion of the local Government, to a period not exceeding three years. The opportunity was taken to reconstruct the rules, and as military officers had since ceased to be recruited for the Punjab Commission, and it was not intended to recruit them in the future for service in Assam and Berar, the revised rules were made applicable to the Burma Commission only^a.

In 1906 the Government of India had occasion to consider whether the time had not come to put an end to the recruitment of military officers for the Burma Commission. It appeared to them that Burma had reached a stage of development at which its administration could best be entrusted to members of the Indian Civil Service^b. The Lieutenant-Governor of Burma, whose opinion was invited, replied that the circumstances of Burma were still different from those of any other province, and that military officers had special qualifications which made them particularly useful in certain parts of the province and recommended that the proposal should not be put into effect at once. The Government of India accepted the Lieutenant-Governor's opinion^c.

Before the creation of the Lieutenant Governorship of Burma in 1897 military candidates for appointment to the Burma Commission used to be selected by His Excellency the Governor-General without reference to the Chief Commissioner. On the creation of the Lieutenant-Governorship the same procedure was maintained but it was usual for the Viceroy to consult the Lieutenant-Governor unofficially before making the appointments. In 1907 Lord Minto's Government noticed that there had been a growing tendency on the part of the Lieutenant-Governor to select candidates and nominate them for His Excellency the Viceroy's approval. They were of opinion that to place appointment practically in the hands of the Lieutenant-Governor must narrow unduly the field of selection and was unfair to military officers as a whole. They therefore decided that the procedure settled in 1897 should be strictly observed^d. Detailed rules regarding the submission of applications for appointment to the Burma Commission were published for the guidance of intending candidates^e.

13. The province of Eastern Bengal and Assam was formally inaugurated on October 16, 1905 ; but the questions of the constitution of the Indian Civil Service

Eastern, Bengal and Assam Commission.

for the new territory and its reconstitution in Bengal remained for consideration. The Government of Lord Curzon had placed the new administration on a working basis by sanctioning provisionally certain new head-quarters appointments and the rates of pay or salary which the officers holding them should draw^f. The consideration of the scheme was then resumed by the Government of Lord Minto. Two main questions arose for determination, *viz.*, (1) the theoretical strength of the cadres of the two provinces and (2) the settlement of the personnel in each. The Lieutenant-Governor of the new province was anxious for an early decision as to the personnel of the service as it was important on political grounds to publish a civil list as soon as possible; but as this could not be given definitely without first considering the strength of the cadre, the

(a) H. D. resn. nos. 150-55, d. Feb. 16, 1906.

(b) H. D. letter no. 283, d. Aug. 21, 1906.

(c) H. D. letter no. 459, d. Apr. 12, 1907.

(d) H. D. letter no. 844, d. July 10, 1907.

(e) H. D. notin, no. 1168, d. Oct. 18, 1907.

(f) { H. D. tel. no. 1085, d. Oct. 2, 1905.

{ H. D. tel. no. 1097, d. Oct. 11, 1905.

scheme was provisionally settled and the Civil List for Eastern Bengal and Assam was issued on April 1, 1906.^a It was decided in this connection that the recruitment of Military Officers in the new province should cease. A further revision of the cadre was rendered necessary, in view of certain new appointments which had since been added to, or proposed for, both the Bengals. The necessary and the main provisions of the scheme which the Secretary of State was finally asked to sanction were as follows :—(1) that the number of superior posts in Bengal and Eastern Bengal and Assam should be 87 and 63, respectively; (2) that the strength of the services should be 175 and 126, respectively; (3) that the promotion of the military officers of the Assam Commission should be limited to one Commissionership and eight posts of magistrates and collectors, and that of the latter three should be in the first grade, four in the second grade and one in the third grade; (4) that the grading of the district and sessions judges, the magistrate-collectors and the joint magistrates should be revised; and (5) that the number of posts listed as open to the provincial services of the two provinces should be nine and six, respectively. The whole scheme involved a net extra expenditure of Rs. 5,52,788 a year^b.

The Secretary of State sanctioned the proposals of the Government of India, except that which referred to the promotion of the military officers of the Assam Commission. His Lordship provisionally approved the arrangements sanctioned by the Government of India in regard to the latter point, pending the receipt of the memorials addressed to him by the officers concerned^c. In considering these memorials, the Government of India again reviewed the earlier history of the position of military officers in the Assam Commission and came to the conclusion that there was no justification whatever for their claims to be entitled to equal promotion to all or any of the posts created or transferred from Bengal in consequence of the partition. They pointed out the effect which the concession of this claim would have on civilian members of the Commission; but on further consideration they modified the previous recommendation to the extent of placing these officers in precisely the same position as they occupied prior to the creation of the new province. They therefore recommended that instead of limiting the promotion of military officers to one Commissionership, and three first grade, four second grade and one third grade appointment of Magistrate-Collector, such officers should be permitted to hold one Commissionership and three first grade and five second grade Collectorships, and that so long as no Commissionership was held by a military officer the number in the first grade of Collector should be four^d. The Secretary of State finally accepted the revised proposals of the Government of India^e.

In September 1908 the Secretary of State sanctioned the proposal of the Government of India that on promotion to the first grade of Magistrate-Collector a military officer of the Assam Commission should be permitted to regain any seniority that he might have lost owing to his supersession by junior officers of the Indian Civil Service under the rules which govern the promotion of such officers^f.

In August 1907 the Eastern Bengal and Assam Government raised the question whether a military officer of the Assam Commission was eligible for permanent or temporary appointment to the newly created Commissionership of

(a) H. D. letter no. 53, d. Jan'y. 15, 1906.
 (b) F. D. desp. no. 38, d. Feb. 7, 1907.
 (c) Desp. no. 92 (Pub.), d. July 5, 1907.
 (d) H. D. desp. no. 55, d. Oct. 3, 1907.

(e) Desp. no. 196 (Pub.), d. Dec. 6, 1907.
 (f) { H. D. desp. no. 34, d. Aug. 6, 1908.
 { Desp. no. 145 (Pub.), d. Sep. 11, 1908.

the Surma Valley and Hill Districts of which Sylhet, which before its transfer to Assam in 1874 was a part of the regulation province of Bengal, is one of the constituent districts. It was held that a military officer is eligible to hold the appointment, but that such appointment must be made in accordance with the provisions of sections 3 and 4 of the Statute 24 and 25 Vict., Cap. 54 and reported to the Secretary of State under Section 4 of the Statute^a. The local Government was also informed that a military officer could be appointed to hold charge of the district of Sylhet in accordance with the same procedure.

14. In consequence of the amalgamation of the Central Provinces with Berar, the Central Provinces Secretariat was strengthened in 1905 by the addition of a third Secretary and a second Under Secretary for a period of 3 years. In June 1907 the Chief Commissioner urged that with a staff of less than three Secretaries and two Under Secretaries, in addition to the Assistant Secretary, the secretariat would be overworked, and that the proposed appointment of a Financial Commissioner, who would not have a separate office, would not relieve it. He accordingly recommended that both these appointments should be permanently sanctioned. The proposal was recommended to the Secretary of State^b, who however sanctioned the retention of the appointments only until his decision was formed on the proposal for the appointment of a Financial Commissioner^c. In his despatch of the 3rd July 1908 sanctioning the Financial Commissionership of those Provinces the Secretary of State also sanctioned the permanent retention of the posts of third Secretary and second Under Secretary in the Secretariat. The amalgamation of Berar with the Central Provinces had been sanctioned by the Secretary of State during the administration of Lord Curzon, but the two commissions remained on a separate footing, as it was not then considered desirable or feasible to amalgamate them. In March 1909 the Chief Commissioner represented that it was no longer in the interests of good administration that the two commissions should be kept separate. He also took the opportunity of recommending certain changes in the rates of pay of the higher appointments in the amalgamated commission and a revised grading of the Deputy and Assistant Commissioners. The proposals were very carefully considered by the Government of India and recommended to the Secretary of State^d who, while authorizing the Chief Commissioner within the limits of law to transfer officers from Berar to the Central Provinces and *vice versa* without special reference to him, refused to sanction the main proposals regarding the revision of the rates of pay and grading.^e

15. The necessity for the creation of such an appointment was foreseen as early as 1893 by Sir Antony MacDonnell. In 1904 Mr. Hewett expressed the opinion that the revenue work of the Chief Commissioner tended to increase year by year and that there was a danger of its volume swamping the Chief Commissioner and leaving him too little time to devote to other branches of the administration. In considering the question of the gazetted staff of the Central Provinces secretariat in 1905 Lord Curzon's Government recognized that the appointment was desirable on general administrative grounds. In July 1906 Mr. Miller strongly urged upon the Government of India the

(a) B. D. letter no 1162, d. Oct. 16, 1907.

(b) F.D. desp. no. 841, d. Sep 5, 1907.

(c) Desp. no. 78, (Pub.) d. July 8, 1910.

(d) Desp. no. 184 (Pub.), d. Nov. 22, 1907.

(e) F. I. desp. no. 10, d. Jan. 20, 1901.

appointment of an officer similar to the Financial Commissioners in the Punjab and Burma. He doubted, however, whether the existing condition of the Central Provinces would justify the elaboration of its administrative machinery to the same extent as obtains in those provinces, and he suggested therefore that the new officer should be designated "Revenue Member" and that he should be attached to the head-quarters of the local administration without being given a separate office; or that if he had a separate office he should be styled "Revenue Commissioner" in preference to "Financial Commissioner." In the former case it was proposed that he should be placed in charge of certain departments of the administration in the secretariat as a member of the administration. The Government of India agreed that it was necessary to relieve the Chief Commissioner. They thought, however, that as in the Punjab and Burma the new official should be called "Financial Commissioner," and that it would lead to misunderstanding and friction if he were styled "Member." They were entirely opposed to his being made "a member of the administration" as such an arrangement appeared to them to be open to the gravest administrative objections. They, however, agreed with Mr. Miller's alternative proposal, namely, to attach the Financial Commissioner to head-quarters without giving him a separate office. The Revenue Secretary to the Chief Commissioner and the Secretary to the Financial Commissioner would be one and the same person, but the Government of India were inclined to think that the orders issued on the Financial Commissioner's own authority should be issued not by the Secretary but in the name of the Financial Commissioner himself. The Government of India also invited the Chief Commissioner's opinion on the question of the modification of the existing law which the creation of this appointment would render necessary^a. The Chief Commissioner accepted the suggestions of the Government of India that the designation of the appointment should be "Financial Commissioner" and that the legislation necessary to enable the Financial Commissioner to exercise his functions should take the form of an amendment of the Central Provinces Land Revenue Act and in the Hyderabad Assigned District Land Revenue Code, 1896. The Government of India accepted the Chief Commissioner's proposals and recommended to the Secretary of State that an appointment should be created on a pay of Rs. 3,500 a month, and that the Financial Commissioner should discharge such duties and be subject to such control as the Chief Commissioner, with the Government of India's sanction, might prescribe. The Government of India also agreed with Mr. Miller that it was not possible to combine the duties of Financial Commissioner with those of the Commissioner of Settlements and that the latter appointment should continue on its present footing^b. The Secretary of State replied that the plan of dispensing with a separate office had the merit of economy and simplicity, but expressed a doubt as to whether a single Secretary could efficiently and conveniently assist both the Financial Commissioner and the Chief Commissioner in cases of differences of opinion. He accepted the Government of India's suggestion that the Settlement Commissionership should be retained as a separate office, but suggested that the Financial Commissioner might be constituted the Excise Commissioner of the province and that the third Secretaryship to the Chief Commissioner which had been sanctioned as a temporary measure might now be discontinued, as a set off against the cost of the scheme. He accordingly asked the

(a) H. D. letter no. 17, d. Jan, 7, 1907.

| (b) F. D. desp. no. 248, d. July 11, 1907.

Government of India to refer the scheme back to the Chief Commissioner for further consideration in the light of his remarks". This was done in November 1907. In February 1908 Mr. Craddock said he was in entire agreement with his predecessor that the appointment of Financial Commissioner should not be constituted an additional link in the administrative chain, but that the Commissioners of Divisions and Heads of Departments should remain as before responsible to the Chief Commissioner for the performance of the duties entrusted to them. He did not anticipate any friction from the arrangement under which his Revenue Secretary would also be Secretary to the Financial Commissioner and he expressed strong objections to the proposal that the Financial Commissioner should be constituted Commissioner of Excise. The papers were forwarded in May 1908 to the Secretary of State, who sanctioned the scheme in his despatch of the 3rd July¹. The Central Provinces Financial Commissioner's Act (XIII of 1908) was passed on the 30th October 1908 and brought into force with effect from the 10th December 1908.

16. In March 1908 the Government of India addressed the Secretary of State on the subject of the salary of Lieutenant-Colonel Dunlop-Smith, Private Secretary to His Excellency the Viceroy. They observed that this officer whose pay as Private Secretary was Rs. 2,000 a month had suffered a loss of Rs. 250 a month, as he would have held a post in the Punjab Commission of not lower rank than 1st grade Deputy Commissioner on Rs. 2,250 a month. Moreover, he had lost chances of officiating as Commissioner with an acting allowance of Rs. 500 a month, since three officers junior to him in the Commission were acting or had acted since the 13th March 1906 as Commissioner, and he had thus incurred a loss of Rs. 750 a month for rather more than a year. They therefore recommended that, as a special case, he should be permitted to draw the same pay as any officer junior to him in the Punjab Commission who might hereafter be appointed to be or to officiate as a Commissioner². The Secretary of State declined to sanction the proposal³. The question of increasing the pay of the Private Secretary has been further considered by the Government of India in 1910 and has been referred to His Lordship for orders.⁴

17. The Secretary of State sanctioned in 1905 the creation of three new appointments of Superintendent of Land Records and Registration in the Bombay Presidency in place of the three temporary appointments of Superintendent of Land Records and Agriculture⁵. These new posts are as a rule reserved for assistant collectors, who, when holding them, receive a special allowance of Rs. 150 a month in addition to their pay and allowances; deputy collectors may be appointed to carry on their duties temporarily when no suitable civilians are available. The new officers are required to aid the district officers in the supervision of the maintenance of the record, in training the village accountants and circle inspectors, in checking the maps and assessment registers, and in revising the classification of lands; and they may also be entrusted with the supervision of registration in their divisions. As these appointments were classed as inferiors no additions were made to the cadre of the Bombay civilian establishment.

(a) Desp. no. 157 (Rev.), d. Sep. 20, 1907.
 (b) { F. D. desp. no. 146, d. May 14, 1908.
 { Desp. no. 84 (Rev.), d. July 3, 1908.

(c) F. D. desp. no. 93, d. Mar. 19, 1908.
 (d) Desp. no. 70 (Pub.), d. May 15, 1908.
 (e) F. D. desp. no. 192, d. July 21, 1910.

(f) Desp. no. 178 (Rev.), d. Nov. 10, 1905.

In connection with the territorial changes effected in Bengal in October 1905, five Hindi-speaking native states were transferred from the Chutia Nagpur division of Bengal to the Central Provinces, and were placed under the Political Agent of Raipur. Simultaneously five Uriya-speaking native states were transferred from the Chattisgarh division of the Central Provinces to the Orissa division of Bengal, where there were already seventeen such states in charge of the Commissioner as Superintendent of the tributary mahals of Orissa with a member of the provincial civil service as an assistant. The Government of Bengal reported that in order to afford much needed relief to the Commissioner of the Chutia Nagpur division it had made over to the charge of the Commissioner of Orissa the only two large states which remained attached to the former division after the recent redistribution. With the addition of the district of Sambalpur from the Central Provinces and the seven native states the Orissa Commissionership had become a heavy charge, and it was necessary to assist the Commissioner in the administration of the native states under his control. Experience in the Central Provinces had shown that native states were better administered in the charge of a political agent, and it was also known that the chiefs of some of the states transferred from the Central Provinces had, in fact, strong objections to the transfer, mainly because they considered that their status would be lowered by being removed from the charge of a political agent to that of the native officer of lower rank who was assistant to the Commissioner of Orissa. On these grounds the local Government advocated the appointment of a European political officer to take charge of the entire group of Uriya-speaking states. It proposed that the appointment should be included in the cadre of magistrates and collectors, with a local allowance of Rs. 250. The appointment of Political Assistant to the Commissioner of Orissa was to be simultaneously abolished. The Secretary of State's sanction to these arrangements was obtained in the beginning of 1906^a.

In January 1906 the Secretary of State sanctioned the creation of an appointment of Director of Agriculture for each of the six larger provinces. In June of the same year the Government of the Punjab submitted a proposal for adding a post to the third grade of deputy commissioners to provide for it. The Government of India recommended^b the proposal to the Secretary of State who sanctioned^c it. In connexion with the filling of the post of Director of Agriculture in Bombay, which is included in the grade of Junior Collectors, the question arose whether the local Government was justified in appointing a first Assistant to be permanent Director without promoting him to be a substantive Junior Collector. The Government of India ruled^d that the substantive holder of the post of Director must be appointed a substantive Collector, but that in the event of his superseding any of his seniors on the general list in consequence of such appointment he would have no claim, the appointment of Director being outside the ordinary line and carrying a special salary, to rank above the seniors when they in their turn were promoted to be collectors.

In May 1906 the Government of Burma submitted proposals for changes in the status and emoluments of the appointments of Secretary and Assistant Secretary to the Financial Commissioner. They pointed out that the Secretary, who is a member of the Commission, draws his grade pay and a local allowance

(a) { F. D. desp. no. 42, d. Feb. 8, 1903.
{ Desp. no. 47 (Pub.), d. Apr. 18, 1906.

(d) H. D. letter no. 723, d. June 16, 1906.

(b) F. D. desp. no. 318, d. Sept. 6, 1906.
(c) Desp. no. 200 (Rev.), d. Oct. 26, 1906.

of Rs. 200 a month, subject to a maximum of Rs. 1,200. The Financial Commissioner represented that the practical effect of the limitation of the Secretary's emoluments to Rs. 1,200 was to confine the area of selection for Secretaries to assistant commissioners of the third and fourth grades. The appointment was one of considerable importance and it was desirable that more senior officers should be selected to fill it. With this object the local Government proposed that the maximum emoluments of the Secretary should be fixed at Rs. 1,500.

The Assistant Secretary was a member of the provincial service and drew a local allowance of Rs. 100. It was represented that the difficulty of finding a member of the provincial service who was both qualified and willing to accept the appointment of Assistant Secretary was considerable, in view of the facts that of the European members of the service the best officers were employed on the frontier or were in foreign service and that the majority of the native members were unsuited for the post. The work was, moreover, very heavy and the cost of living in Rangoon high. The Lieutenant-Governor therefore proposed that the maximum emoluments should be fixed at Rs. 1,000, the post being open to members of the Commission as well as to the provincial service, and that the local allowance should be raised to Rs. 200 a month in the case of a provincial service officer; and that when the post was held by a member of the Commission, the allowance should be Rs. 150. The reason for suggesting that the appointment should be open also to members of the Commission was that even with improved prospects it would not always be possible to find suitable men in the provincial service. The Government of India considered that an additional advantage of this arrangement would be that it would enable the local Government to test the capabilities of junior officers with a view to appointing them later on to the post of Secretary. They therefore recommended the Lieutenant-Governor's proposals to the Secretary of State who sanctioned them¹.

In August 1903 the Government of India, at the instance of the Government of Burma, submitted² to the Secretary of State proposals for the creation of a new appointment of Collector for the Rangoon town district in order to relieve the President of the Rangoon Municipal Committee of his duties in connection with town lands. The Secretary of State sanctioned the proposals which involved the addition of a third grade deputy commissionership to the cadre of the Burma Commission³.

In 1895 the third Secretary to the United Provinces Government was graded with the second grade of magistrates and collectors and it was arranged that he should receive officiating or substantive promotion according to his standing in the service up to the first grade of magistrates and collectors. The local Government pointed out in 1907 that it sometimes happened that the third Secretary was not entitled to officiate in the first grade of magistrates and collectors and consequently draw a salary of Rs. 1,833½ a month only. The Lieutenant-Governor considered this salary to be inadequate, and recommended the grant of a local allowance of Rs. 250 a month in addition to the salary in the regular line, subject to the prescribed maximum of Rs 2,250 a month. The Government of India supported⁴ the proposal to the Secretary of State who, however, refused to sanction it⁵.

In 1892 it was decided that the Commissioner of Excise in the United Provinces might hold any substantive rank not above the second grade of magistrates and collectors, and might also officiate in the first grade. It was

(a) F. D. desp. no. 295, d. Aug. 16, 1906.
(b) Desp. no. 146 (Pub.), d. Oct. 12, 1903.
(c) F. D. desp. no. 305, d. Aug. 28, 1906.

(d) Desp. no. 153 (Pub.), d. Oct. 26, 1906.
(e) F. D. desp. no. 397, d. Oct. 17, 1907.
(f) Desp. no. 191 (Pub.), d. Dec. 6, 1907.

ruled in 1907 that the Excise Commissionership might be held by any officer of or below the substantive rank of first grade magistrate and collector, provided that the total number of appointments in each grade was not exceeded^a.

In July 1907 the Government of the United Provinces proposed that the pay of the Commissioner of the Kumaon Division should be raised from Rs. 2,000 with a fixed travelling allowance of Rs. 250 a month to Rs. 2,500 with the same travelling allowance, and that of the Deputy Commissioner of Naini Tal from Rs. 1,200 to Rs. 1,500. The Government of India recommended the proposals to the Secretary of State on the grounds that the pay of the first appointment, which is an arduous one involving much travelling was fixed at Rs. 2,000 no less than seventy years ago and was quite inadequate at the present day, and that the pay of the Deputy Commissionership of Naini Tal, which was fixed at Rs. 1,200 in 1894, was insufficient inasmuch as living at Naini Tal is expensive and the Deputy Commissioner has a certain position to maintain^b. The Secretary of State sanctioned the increase in both cases with effect from April 1908^c.

In 1902 the pay of the appointment of Senior Secretary to the Financial Commissioner, Punjab, was provisionally fixed for five years at the pay or salary which would be admissible to the officer holding it if he were serving in the regular line, subject to a minimum of Rs. 1,200 and a maximum of 1,800 a month. This arrangement was made permanent in 1907^d.

18. In submitting their scheme for the constitution of the Province of

Members and Secretaries of the Board of Revenue, Bengal.

Eastern Bengal and Assam Lord Curzon's

Government observed that if any counter-vailing economies were to be effected as a set-off against the cost of the measure, these must be sought in the direction of reducing the cost of the Bengal Board of Revenue, and that they proposed to consider this question further at a later stage. The Board consisted of two Members on a pay of Rs. 4,000 each, a Secretary on Rs. 2,500 and a Junior Secretary on Rs. 1,800. In August 1905 Lord Curzon's Government intimated to the Government of Bengal their opinion that the separation of the new province must appreciably diminish the Board's work and that the pay of the Members and Secretaries should be reduced. They suggested that the pay of the Members should be fixed at Rs. 3,750 and Rs. 3,500, respectively; and that both Secretaryships should be abolished as separate posts, but should be included in the second and third grades of Collectors and that the Secretaries should receive a local allowance of Rs. 200 each in addition to the salary to which they would be entitled in the regular line. The local Government was not in favour of reducing the pay of the Members; but it had no objection to a partial reduction of the Member's pay in the form of house-rent, if they were compelled to occupy suitable residences provided by Government. The Lieutenant-Governor accepted the suggestion regarding the Secretaries subject to the modification that the local allowances should be raised to Rs. 250 in both cases. The arguments put forward by the local Government in favour of maintaining the pay of the Members at the present figure did not appear to Lord Minto's Government to be convincing, and upon a review of the whole case they adhered to the opinion of their predecessors that the pay should be reduced, but that the pay of both the Members should be fixed at Rs. 3,750. They agreed that the Senior Secretary should receive a local allowance of Rs. 250, but they considered that the

(a) H. D. letter no. 1091, d. Sept. 28, 1907.

(b) F. D. desp. no. 879, d. Sept. 26, 1907.

(c) Desp. no. 187 (Pub.), d. Nov. 22, 1907.

(d) { F. D. desp. no. 185, d. May 23, 1907.
Desp. no. 98 (Pub.), d. July 12, 1907.

allowance of the Junior Secretary should not be more than Rs. 200^a. The Secretary of State approved the proposals^b.

19. In March 1907 the Government of India, at the instance of the

Listed posts.

Government of Burma, recommended

to the Secretary of State a proposal

to throw open to the Burma provincial service two posts of deputy commissioner, and suggested that the two provincial service officers who might be listed as deputy commissioners should be allowed promotion from the lowest to the highest grade on a pay of Rs. 1,000, Rs. 1,200 and Rs. 1,600, respectively, as their turn for promotion came round, instead of a fixed pay of Rs. 1,000 as proposed by the Burma Government. The Secretary of State sanctioned the proposal^d. In 1909 the Secretary of State sanctioned a further proposal of the Burma Government, as modified by the Government of India, for the addition of two appointments of Settlement Officer to the cadre of the Burma Commission and the listing of one of them as open to members of the provincial Civil Service. The pay of the appointment when held by an officer of the latter service was fixed at Rs 1,000 a month^e.

In January 1907 the Madras Government represented^f that the relative position and emoluments of Indian Civil Service officers holding the post of collector and district magistrate or district and sessions judge and those of provincial service officers appointed to listed posts gave rise to anomalies and complaints on the part of the former. Concrete cases were quoted showing that provincial officers were confirmed in the grade of judge or collector before members of the Indian Civil Service having to their credit longer officiating service in that grade, and that while provincial officers quickly reached the first grade, Indian Civilians at times reverted from that grade after as much as three years' service in the grade of judge or collector. The local Government accordingly suggested as a remedy that either (1) a provincial officer appointed to the grade of collector or judge should in the first instance officiate in the grade and should be confirmed after the Indian Civilians who were officiating in the grade when he first entered it and who have not reverted, or (2) a provincial officer appointed permanently to the post of collector or judge should be considered junior in respect of grade promotion to all Indian Civilians who were officiating in such a post when he was first appointed to it and who have not reverted since. The Government of India pointed out in reply that the origin of all these difficulties and anomalies appeared to lie in the fact that the Indian Civil Service in the Madras presidency was not graded as in other provinces, and that the local Government had attempted to introduce a graded service in respect of a few appointments on a lower rate of pay in a somewhat artificial manner. The remedies suggested did not commend themselves to the Government of India as they would operate to defer the permanent appointment of a provincial officer to a listed post, even if such a post was available for transfer to the provincial service, and would unduly benefit members of the Indian Civil Service. They suggested that, as in other provinces where there were properly graded services, a provincial officer should be appointed to officiate in the lowest grade on the occurrence of an officiating vacancy in the number of listed posts; that he should be confirmed on the occurrence of a substantive vacancy; and that he should receive promotion

(a) F. D. desp. no. 215, d. June 21, 1906.

(b) Desp. no. 170 (Rev.), d. Aug. 31, 1906.

(c) H. D. desp. no. 10, d. Mar. 14, 1907.

(d) Desp. no. 60 (Pub.), d. Apr. 26, 1907.

(e) { F. D. desp. no. 355, d. Dec. 17, 1908.

{ Desp. no. 24 (Pub.), d. Feb. 5, 1909.

(f) Madras letter no. 4111-1, d. Jan. 24, 1907.

to the next grade *pari passu* with Indian and Statutory Civilians in those grades. The Government of India added that this principle would eventually have to be adopted when the proposals for grading the Indian Civil Service in the Madras presidency, then under consideration, were sanctioned, and that the mere fact of there being at the time only five appointments in the lower grade need not prevent its immediate adoption in supersession of the existing arrangements^a.

In the Bombay presidency, Mr. H. S. Phadnis, a provincial service officer, was appointed in March 1907 to a listed post of district and sessions judge. Prior to this he was holding a listed post of assistant judge, and was graded on the same list with other assistant judges, who were members of the Indian Civil Service. In July 1908 the Government of Bombay raised the question of Mr. Phadnis's eventual position in the grade of district judges in relation to certain officers of the Indian Civil Service who were senior to him as assistant judge, but who had not been promoted to district judgeships at the time that he received his promotion^b. The Bombay Government held that these officers when confirmed as district judge should be placed above Mr. Phadnis. The Accountant-General was of opinion that for the purpose of the theory prescribed by the Government of India in 1892 that a provincial service officer holding a listed post should rise *pari passu* with his contemporaries in the Indian Civil Service or the Commission, the class of district judges should be taken by itself and not along with that of assistant judges, and that Mr. Phadnis' claim to a district judgeship being recognised, his promotion in that capacity should not be affected by his position as assistant judge before his promotion to the grade of district judge. The Bombay Government did not agree with the Accountant-General and considered that in such cases Government should be allowed to exercise its discretion as to the relative grading of members of the two services. The Government of India agreed with the Accountant-General's view of the case, and informed the Bombay Government that in accordance with the principle laid down in 1892 Mr. Phadnis' standing as district judge should be determined solely by the date of his appointment to that rank and not with reference to the date of his appointment as assistant judge^c. He was appointed to fill a vacancy to which the members of the Indian Civil Service senior in the grade of assistant judges had no claim, and there should be no question of relative seniority between the two based upon their respective positions in a lower rank. They added that it was impossible under any system under which officers of different services performed precisely the same duties, though recruited on entirely different principles and paid at different rates, to obtain perfect equality of treatment, but that they had little doubt that if once other considerations than those of the respective dates of substantive appointment were admitted the result would be much greater inequality and possible injustice to one class or other. The Bombay Government asked for a reconsideration of the decision, or, if that was not possible, requested that the correspondence might be submitted to the Secretary of State for orders^d. In their second letter the local Government contended that subsequent grade promotion in the list of district judges, as between Indian Civil Service officers and provincial service officers holding listed posts, should be regulated, not by the date of first appointment to a district judgeship, which is the ordinary rule, but with reference to the relative length of service of the two classes of officers. The Government of

(a) H. D. letter no. 708, d. June 7, 1907.

(b) Bombay letter no. 3672, d. July 11, 1908.

(c) H. D. letter no. 978, d. Sept. 28, 1908.

(d) Bombay letter no. 6428, d. Dec. 8, 1908.

India were unable to accept this view. They considered that it would invariably be found that the provincial service officer holding a listed post had a considerably longer total Government service than the Indian Civil Service officer holding the same class of appointment, and they did not think that it would be possible to regulate equitably the relative promotion of Indian Civil Service and provincial service officers, in appointments usually reserved for the former class, with reference to their relative length of service under Government. In addressing the Secretary of State they therefore adhered to the view that Mr. Phadnis' place in the list of district judges should be regulated by the date of his appointment as district judge. The existing rule was simple, certain and, on the whole, fair, and they were strongly of opinion that it should not be altered as proposed by the Government of Bombay^a. The Secretary of State fully concurred in the opinion of the Government of India and saw no reason why the rule should be altered^b.

The Bombay Government represented in May 1909 with reference to Mr. Phadnis' case that so long as the two district and sessions judgeships and the three assistant judgeships which are open to the provincial civil service were not separated from the cadre of the Indian Civil Service there would always be room for a grievance on the part of Indian Civil Service Officers, and inquired whether the Government of India would now be prepared to consider the scheme on that subject, especially as regards the assistant judgeships, submitted by the local Government in 1905. They were told that it had been decided after considering the views of all local Governments on the question that the listed superior posts should not be separated from the general cadre of the Indian Civil Service, but that the Government of India would be prepared to regard favourably proposals based on the lines indicated by them in 1905 for the separation of the assistant judgeships from that cadre and their amalgamation with the provincial service.^c The Bombay Government, however, ultimately decided to let the matter drop.^d

In July 1908 the Government of India addressed the Secretary of State on the subject of the appointments listed as open to the provincial civil service in Eastern Bengal and Assam. They recommended the following proposals for his sanction^e :—(i) that the appointment of Assistant Secretary on Rs. 800 a month held at the time by an officer who was not a member of the Indian Civil Service, should, after he vacated it, be designated an Under Secretaryship, carrying a pay, when held by a member of the Indian Civil Service, of Rs. 1,000 a month; (ii) that one Under Secretaryship in Eastern Bengal and Assam should be listed as open to the provincial civil service; (iii) that the pay of a provincial service officer holding the listed post of district and sessions judge of the first grade in Bengal should be fixed at Rs. 2,000; and (iv) that the following should be the pay of the listed posts in Eastern Bengal and Assam :—

(a) Headships of districts—

				Rs.
1st grade	...	...	...	1,600
2nd "	...	...	...	1,200
3rd "	...	...	...	1,000

(b) District and Sessions Judgeships—

1st grade	...	...	...	2,000
2nd "	...	...	...	1,600
3rd "	...	...	...	1,200

(a) H. D. desp. no. 2, d. Feb. 25, 1903.

(b) Desp. no. 72 (Pub.), d. May 7, 1909.

(c) E. D. desp. no. 202, d. July 9, 1908.

(d) H. D. letter no. 781 d. June 29, 1909.

(e) Bombay letter no. 21, d. Jan. 5, 1910.

(c) Junior Secretaryship, Board of Revenue

... Grade pay *plus* a local allowance of Rs. 100, subject to a maximum of Rs. 1,000 a month.

(d) Under Secretaryship 700

In September 1903 the Secretary of State sanctioned the proposals and a resolution was issued giving effect to the orders^a.

At the instance of the United Provinces Government an additional appointment of district and sessions judge was, with the Secretary of State's approval, thrown open to the provincial civil service in those provinces in 1909, making the total number of listed judgeships five^b.

In 1909 in proposing an increase in the number of divisional judgeships in the Punjab by four the Government of India supported the local Government's recommendation that one of these appointments should be listed as open to the provincial civil service. The Secretary of State, however, directed that two of the new appointments should be listed. The total number of listed divisional judgeships was thus raised to four. An additional grade of divisional judgeships having been created the rates of pay in the case of provincial service officers were fixed at Rs. 1,800, Rs. 1,600, Rs. 1,400 and Rs. 1,200 respectively^c.

20. In consequence of the transfer of certain districts from Bengal to

Provincial and subordinate Civil Services.

the new province of Eastern Bengal and

Assam in 1905, a certain number of

appointments of deputy collector and sub-deputy collector were made over to the new province and were amalgamated with the corresponding posts existing in Assam before the creation of the new province^d. Owing to the development of public business in Bengal the local Government submitted in 1903 proposals for the strengthening of its service of deputy collectors. These proposals were scrutinized and revised in consultation with the local Government by the Governments of Lord Curzon and Lord Ampthill. The Government of India arrived at a final decision in the beginning of 1906 and obtained the Secretary of State's sanction to an increase of 116 appointments at an extra cost of Rs. 3,69,000 a year^e. In July 1905 the Government of Bengal proposed an increase also in the cadre of sub-deputy collectors, principally in connexion with a comprehensive scheme for the gradual extension of survey and settlement operations throughout Bengal. In February 1906 the Government of India recommended to the Secretary of State a net increase of 38 appointments, at an extra cost of about Rs. 73,000, to the cadre of the subordinate civil service, which was sanctioned^f. The additional appointments of deputy-collector and sub-deputy collector were distributed proportionately between the Governments of Bengal and Eastern Bengal and Assam. In 1909 the Secretary of State's sanction was obtained to an increase in Eastern Bengal and Assam of 21 appointments of deputy collector to provide for personal assistantships to two Commissioners and the Director of Land Records and for settlement work, and of 28 appointments of sub-deputy collector for the latter purpose^g. A further addition of four appointments to the cadre of deputy collectors was sanctioned in February 1910 in connexion with provincial survey work^h.

(a) { Desp. no. 130 (Pub.), d. Sep. 4, 1908.
H. D. resln. no. 1198-1201, d. Nov. 21, 1908.
(b) H. D. resln. nos. 1055-56, d. Sep. 24, 1909.
(c) H. D. resln. nos. 914-16, d. Aug. 5, 1909.
(d) H. D. letter no. 14, d. Jan. 5, 1906.

(e) { F. D. desp. no. 40, d. Feb. 8, 1906.
Desp. no. 48 (Pub.), d. Apr. 13, 1906.
(f) { F. D. desp. no. 41, d. Feb. 8, 1906.
Desp. no. 46 (Pub.), d. Apr. 13, 1906.
(g) { F. D. desp. no. 224, d. Sep. 16, 1909.
Desp. no. 149 (Pub.), d. Nov. 12, 1909.

(h) H. D. letter no. 207, d. Feb. 22, 1910.

The Burma provincial service had last been reorganized in 1889. Since then appointments had been added to and withdrawn from the cadre as was necessary from time to time, but no general examination of the strength of the service had been undertaken with reference to its sufficiency for the duties required of it or the securing of a reasonable flow of promotion. The Government of Burma accordingly proposed that, having regard to the several charges which were held by members of the provincial service, the strength should be raised from 72 to 100. The Government of India were satisfied that the growing demands of a province so progressive as Burma rendered this increase in the establishment essential in the interests of good government. The proposal entailed an additional expenditure of about Rs. 1,53,600 a year. The whole scheme was sanctioned by the Secretary of State in January 1908^a. In connection with the question of raising the pay of superintendents of the offices of certain Commissioners in Burma, Lord Curzon's Government suggested to the local Government in 1899 the desirability of including appointments of this class in the provincial civil service; but as Sir Frederic Fryer, the then Lieutenant-Governor, was not in favour of the proposal, they did not press it. In October 1906 the Burma Government re-opened the question, pointing out that superintendents of Commissioners' offices had practically no prospect of advancement and that under the existing conditions suitable candidates for these appointments were not forthcoming. The Lieutenant-Governor therefore proposed the absorption of the superintendentships in the grades of the provincial service. The Government of India recommended the scheme to the Secretary of State with certain modifications and it was sanctioned^b. In June 1908 the Government of Burma recommended that the strength of its provincial civil service should be increased from 109 to 128 appointments, the cadre of the subordinate service being reduced at the same time by 14 appointments. The extra cost was estimated at Rs. 69,000 a year. The proposals were submitted to the Secretary of State who sanctioned them^c. In November 1909, the Government of India sanctioned the abolition of the post of Government translator in Burma as a separate post and the addition of one appointment to the sixth grade of the provincial civil service to provide for it; a local allowance of Rs. 100 a month was at the same time sanctioned for the officer who might from time to time hold the appointment.

In June 1906 the United Provinces Government represented that an increase in the number of general administrative charges necessitated a strengthening of the executive branch of the provincial civil service. The Government of India recommended to the Secretary of State an addition of eleven deputy collectors, and of two probationers, and their proposal was sanctioned^d.

In July 1906 the Punjab Government represented that the increased demands of the administration necessitated an addition to the provincial civil service. On the recommendation of the Government of India the Secretary of State sanctioned an addition of thirteen appointments^e.

In February 1907 the Chief Commissioner of the Central Provinces submitted proposals for the reorganisation of the executive branch of the provincial civil service, which had recently been separated from the judicial branch. In view of the growing requirements of the province the Government of India recommended to the Secretary of State an addition of eighteen appointments

(a) { F. D. desp. no. 395, d. Nov. 30, 1905.
Desp. no. 15 (Pub.), d. Jan. 26, 1903.

(b) { F. D. desp. no. 230, d. June 20, 1907.
Desp. no. 138 (Pub.), d. Sep. 6, 1907.

(c) { F. D. desp. no. 59, d. Mar. 11, 1909.
Desp. no. 73 (Pub.), d. May 7, 1909.

(d) { F. D. desp. no. 56, d. Feb. 21, 1907.
Desp. no. 57 (Pub.), d. Apr. 19, 1907.

(e) { F. D. desp. no. 289, d. June 27, 1907.
Desp. no. 132 (Pub.), d. Aug. 30, 1907.

to the executive service, and the latter sanctioned the proposal^a. The Chief Commissioner was also authorised to appoint probationers as he thought necessary, subject to a maximum of seven.

In reply to an inquiry as to whether probationary Sub-Deputy Collectors in Eastern Bengal and Assam, without any substantive appointment under Government, who draw a subsistence allowance of Rs. 50 a month, are entitled to leave under Articles 242, 336, rule 1, and 329, rule 2, of the Civil Service Regulations, the local Government was informed that the existing practice followed in Bengal of treating these officers as "probationers having no lien" and of allowing them the leave admissible to temporary officers having no lien may also be followed in Eastern Bengal and Assam. It was decided in December 1909 that probationary, officiating and temporary deputy magistrate-collectors and sub. *pro tem.* sub-deputy collectors in Eastern Bengal and Assam might be considered to be eligible for leave and pension on satisfying the conditions laid down in articles 202 (c) and 375 of the Civil Service Regulations. On the recommendation of the Government of India the Secretary of State sanctioned in 1910 a proposal of the Government of Eastern Bengal and Assam that certain deputy collectors and sub-deputy collectors in that province who began service in the settlement department on a temporary footing and who, as a recognition of their good work in that department, were promoted to be officiating or sub. *pro tem.* deputy or sub-deputy collectors in the provincial and subordinate executive Service, respectively, should be allowed to count the whole of their continuous service as qualifying for leave and pension; and he authorised the extension of this concession to the cases of any other officers of the settlement department who might under similar circumstances be found to be prejudicially affected^b. The concession was subsequently extended to Bengal, the United Provinces and the Central Provinces where similar cases were likely to occur^c.

21. In May 1907^d the Government of India pointed out in a lengthy

Secretariat and clerical appointments. despatch, dealing with the question of the expansion of correspondence in the

Government of India secretariats and the relations of control and supervision which should exist between the supreme Government and local Governments and Administrations, that there was no diminution in the work of the Home Department, and asked the Secretary of State to sanction the retention as a permanent measure of the additional establishment of one Under Secretary and twelve clerks which Lord George Hamilton had sanctioned in May 1903 as a temporary measure for four years. As the Secretary of State was about to appoint a Royal Commission to examine the question of decentralization he sanctioned the continuance of the additional establishment only pending the submission and examination of the Commission's report.^e

During Lord Curzon's administration the clerks employed in the moving offices of the Government of India submitted memorials praying for increased Simla allowances, and a committee was appointed to consider the whole question. Under the system then in vogue a clerk was entitled to travelling allowance to and from Simla for his family, special maintenance allowance and house-rent allowance at certain prescribed rates for the period of his stay in Simla, the rates being doubled if he was residing there with his family, and

(a) { F. D. desp. no. 322, d. Aug. 22, 1907.
{ Desp. no. 188 (Pub.), d. Nov. 22, 1907.
(b) { F. D. desp. no. 288, d. Dec. 16, 1909.
{ Desp. no. 8 (Rev.), d. Jan. 28, 1910.

(c) H. D. letter no. 877-80, d. Jul. 20, 1910.
(d) H. D. desp. no. 19, d. May 9, 1907.
(e) Desp. no. 128 (Pub.), d. Aug. 23, 1907.

family maintenance allowance at Simla or Calcutta if travelling allowance was not drawn for any member of the family and it was necessary to maintain an additional domestic establishment either for himself or the family. After carefully considering the committee's proposals and the criticism offered upon them by the clerks themselves, Lord Minto's Government with the sanction^b of the Secretary of State accepted^a them with considerable modifications. The new rules laid down (1) that no clerks appointed to the moving offices should in future draw family travelling allowance or family maintenance allowance; (2) that, in lieu of these allowances and the special maintenance allowance, a consolidated scale of allowances should be granted payable throughout the year; (3) that clerks should be either provided in Simla with free quarters or granted their equivalent in the form of a house-rent allowance; and (4) that the clerks should be given the option of retaining the existing system of allowances or of adopting the new scale. The committee had also considered the cases of the menial establishments and the Government of India accepted the consolidated rates recommended for them. The scheme was introduced with retrospective effect from the 1st January 1907.^c On a further consideration of the question of the provision of free quarters the Government of India have decided to construct a few experimental cottages in the first instance and let them out on rent under the ordinary rules. The necessary action is being taken in the Public Works Department.

In July 1907 the Government of India, in response to the memorials received from clerks in the Government of India secretariats who had retained the old scale of Simla allowances, sanctioned the continuance of the increase of 20 per cent. in the house-rent allowance, which was granted for the year 1906 only, until such time as a sufficient number of quarters had been built to bring about a substantial reduction in the standard of house-rents at Simla.

In July 1908 the Government of India addressed the Secretary of State on the subject of the allowances which should be granted to the clerks and menials of the establishments of the offices of the Government of India permanently settled in Simla. They recommended allowances for the five winter months, November to March, on scales which were so graduated as to give higher percentages to the lower-paid men and with retrospective effect from the beginning of the winter season of 1907-08. The same allowances were also recommended for such small portions of the establishments in the moving offices as do not move down to the plains during the winter and are not in receipt of the Simla allowance, for temporary establishments entertained annually for the winter months, and for piece-workers in the Government of India Presses stationary in Simla. The cost was estimated at Rs. 90,000 a year^d. The Secretary of State sanctioned the grant of the allowances and a resolution was issued in October 1908 giving effect to the orders^e. In May 1909 these allowances were extended, with effect from the winter season of 1908-09, to the establishments under the Punjab Government permanently located at Simla.

In May 1908 the clerks of the Government of India secretariats and certain subordinate offices memorialised Government for increased rates of pay and an improvement in their prospects on account of the increased cost of living. In July 1908 the Government of India appointed a Committee, with the Honourable Mr. J. S. Meston as President, to investigate the prayers of the

(a) F. D. desp. no. 322, d. Sep. 6, 1906.

(b) Desp. no. 199 (Pub.), d. Dec. 21, 1906.

(c) H. D. resln. nos. 209-221, d. Feb. 16, 1907.

(d) F. D. de-p. no. 215, d. July 23, 1908.

(e) { Desp. no. 154 (Pub.), d. Sep. 18, 1908.
H. D. resln. nos. 1079-1096, d. Oct. 28, 1908.

memorialists^a. The Committee submitted its report to Government in December 1908. Their recommendations were for the most part accepted by the Government of India, who considered it necessary that the service in the secretariats should be not less attractive than in other branches of the public service in which men of the same educational qualifications seek a career. This was done, with the sanction of Secretary of State with effect from the 1st December 1909, by (1) substituting for the then existing scales of pay and monthly Simla allowances a consolidated pay; (2) dividing all appointments (including the Registrarships and Superintendships) in the secretariat offices into two divisions, called the first and second divisions, the former comprising all appointments requiring higher kinds of clerical work and the latter including those of routine nature; (3) revising the rates of pay and regrading the appointments according to prescribed proportions; (4) granting gazetted rank to Superintendents; and (5) reviving the family travelling allowances which had been abolished in 1907^b. The recommendations of the Committee with respect to the Army Head-quarters offices are still under consideration in the Army Department and as are also the cases of the other subordinate offices. In July 1910 the revised scales of pay and grading were published and it was at the same time announced that the system of competitive examination for clerical posts in the secretariat would be discontinued, and that for the future appointment to the first division of the secretariat staff should be by selection from an approved list of candidates in accordance with certain published rules which would be worked by the Home Department. As regards appointments in the second division it was decided that each Department would make its own arrangements^c.

The constitution of the new province of Eastern Bengal and Assam necessitated the reorganization of its secretariat establishments. Lord Curzon's Government provisionally estimated the cost of the clerical and menial establishments at Rs. 12,543 a month, but they explained to the local Government that the estimate was more or less conjectural, and that on the formation of the province only the minimum establishments should be entertained pending the formulation of detailed proposals. These were submitted in October 1906, and provided for three Registrars (gazetted) on Rs. 400—20—600, one shorthand writer on Rs. 300—10—400, 94 clerks, 9 probationers and 54 menials at an extra expenditure of Rs. 95,666 a year. The scheme^d was sanctioned by the Secretary of State, who, however, suggested the necessity of effecting from time to time such reductions as experience might show to be feasible. With reference to the Bengal secretariat establishment he noticed that notwithstanding the creation of the new province no reduction in its strength had till then been effected, and desired therefore that the local Government might be pressed to consider at once the possibility of effecting reductions in the establishments^e. After consultation with the Governments of Bengal and Eastern Bengal and Assam the Secretary of State was informed that a reduction of 17 appointments had been made in the Bengal Secretariat, equivalent to a reduction of nearly 9 per cent of the establishment as it stood before the creation of the new province, and that it was undesirable to make any further reduction. The Government of Eastern Bengal and Assam proved conclusively that work was steadily increasing and that there was no ground to suppose that it was abnormally heavy at the time that sanction was requested to the reorganisation of the present establishment. The Government of India accepted these views and

(a) H. D. Resln. nos. 751-767, d. July 21, 1908.

(b) H. D. Resln. nos. 52-61, d. Jan. 21, 1910.

(c) H. D. Resln. nos. 817-825, d. July 6, 1910.

(d) F. D. despatch no. 67, d. Feb. 28, 1907.

(e) Despatch no. 83 (Pub.), d. June 14, 1907.

informed His Lordship that a further reduction of the secretariat establishments would tend to impair their efficiency and to cause administrative inconvenience^a.

In recognition of the increase in the cost of living in recent years and of the difficulties ~~encountered~~ in securing suitable men for the secretariat ministerial offices, the Government of Bengal suggested, in November 1903, various improvements in the pay and prospects offered to that service; as well as in those of the menial establishments^b. The proposals were sanctioned^c.

In July 1907 the Government of Eastern Bengal and Assam submitted proposals for the grant of hill allowances to the ministerial establishments in the secretariat. It proposed to defer the introduction of a regular code of hill allowances until office buildings should be constructed in Dacca and the head-quarters of Government should be removed to that station. Although one of the principal grounds for the grant of hill allowances in other provinces was that the removal of the public offices to and from the summer head-quarters of Government imposed extra expenditure on the clerks, and although this condition did not as yet exist in Eastern Bengal and Assam, nevertheless the cost of living in Shillong was high and there had been a considerable rise in house-rents, and consequently great difficulty was experienced in attracting and retaining the right class of men for the secretariat; moreover, a considerable number of the clerks in Shillong practically kept two establishments, their families being left in the plains where living was cheaper and educational facilities greater. The Lieutenant-Governor therefore recommended that a hill allowance at the rate of three-tenths of salary, subject to certain maxima and minima, should be sanctioned temporarily for three years. The Government of India considered^d that the case of these clerks was exceptional and therefore supported the proposals, which were sanctioned by the Secretary of State. For similar reasons allowances on the same scale were granted, with the sanction of the Secretary of State, as a temporary measure to the ministerial and menial establishments employed under Heads of Departments and in other offices which are at present located in Shillong^e.

In 1909 the Government of Eastern Bengal and Assam requested sanction to the grant of a hill allowance on the scale laid down in the Darjeeling Hill Allowance Code to a small portion of the office establishments of the Registrar of Co-operative Credit Societies, the Sanitary Engineer, the Commissioner of the Surma Valley and Hill Districts, the Inspectress of Schools, and the Deputy Sanitary Commissioner who were permitted to spend not more than three months in the year at Shillong. The Government of India saw no reason why the first two officers should move to the hills at Government expense, and they directed that in the other cases the establishments should be given allowances under the rules in the Civil Service Regulations and not on the scale of the Darjeeling allowances^f.

In pursuance of the instructions conveyed to the Bengal Government in 1905 the Government of Eastern Bengal and Assam, on the creation of the new province, gave effect to the Secretary of State's sanction to certain provisional arrangements for the improvement of the pay of ministerial officers attached to executive and judicial offices, and appointed a Committee to examine and report on the question of the revision of the strength and rates of pay of ministerial establishments in the districts transferred from Bengal, and to consider

(a) H. D. desp. no. 19, d. May 21, 1903.
 (b) Bengal letter no. 6: O.J.-4, d. Nov. 29, 1909.
 (c) H. D. letter no. 181, d. Feb. 16, 1910.
 (d) F. D. desp. no. 383, d. Oct. 3, 1907.

(e) F. D. desp. no. 156, (Pub.) d. Nov. 22, 1907.
 (f) { F. D. desp. no. 200, d. July 9, 1908.
 { Desp. no. 118 (Pub.), d. Aug. 28, 1903.
 (g) H. D. letter no. 198, d. Feb. 18, 1910.

the questions of reduction of work and the recruitment and training of clerks which would be of possible application to the whole province. In February 1907 the local Government proposed that ministerial officers in the Assam districts, where the cost of living was as high as, if not higher than, in Eastern Bengal, should share in the benefits of revision of pay, and asked to be permitted to authorise the Committee to extend their inquiries in that respect to the Assam districts also^a. The Government of India sanctioned this proposal, and in order to meet the cost of the measure they also sanctioned, subject to confirmation by the Secretary of State, a recurring annual assignment of Rs. 38,000, commencing from the year 1907, to the provincial revenues of Eastern Bengal and Assam during the currency of the existing provincial settlement, being the equivalent of the lapsed balance of a grant sanctioned in 1902^b. The Secretary of State observed that if the local Government was prepared to meet any additional expenditure that might be involved by the revision of establishment, a grant from Imperial revenues did not seem to be necessary, but in view of the action taken by the Government of India, he agreed to the grant with effect from the date of revision, but not from the 1st April 1907^c.

In November 1905 the Government of Bengal submitted a proposal for the appointment from England of a shorthand writer to act as reporter to that Government at committee meetings and council debates. The Government of India satisfied themselves that for the special class of reporting work in question recruitment in England was necessary, and recommended the proposal to the Secretary of State^d. The latter replied saying that he was not satisfied that a European or Eurasian could not be procured in India for the purpose and he asked that the matter might be referred back to the Bengal Government^e. This was done, and though the Government of India at the instance of the Bengal Government again recommended the proposal, the Secretary of State again refused to accept it and asked for fuller information regarding the arrangements in force in Madras and Bombay, as well as for definite information from the Bengal Government as to the number of days in the year on which a shorthand writer would be likely to attend Committee meetings and Council debates, and how, when not so employed, his services would ordinarily be utilised. The explanation furnished by the Government of Bengal on the points noticed by the Secretary of State did not appear to the Government of India to be satisfactory and they therefore declined to address the Secretary of State again on the subject^f.

The Government of Bengal proposed further that as the work of district officers and Commissioners of divisions was very heavy, an expert typist and shorthand writer should be employed in those district offices where work was specially heavy, and in all divisional offices, and that a specially selected clerk from each of the heaviest district offices and from each Commissioner's office should be deputed at the public expense for a course of training in shorthand and typewriting and extending over a period of eight months. The Government of India suggested that the experiment should be tried in the first instance in divisional offices only, and that the more satisfactory arrangement would be to offer allowances for proficiency in shorthand and typewriting, the clerks being left to make their own arrangements for qualifying in these respects. The local Government was authorised to grant a local allowance not exceeding Rs. 50 a month to one clerk in each Commissioner's office in the two Bengals

(a) E. B. & A. letter no. 2258-F., d. Feb. 25, 1907.
 (b) H. D. letter no. 577, d. May 9, 1907.
 (c) Desp. no. 106 (Finl.), d. Aug. 2, 1907.

(d) F. D. desp. no. 77, d. Mar. 15, 1906.
 (e) Desp. no. 64, d. May 18, 1906.
 (f) H. D. letter no. 1005, d. Sept. 6, 1907.

who acquired the requisite proficiency in both accomplishments. The scheme was subsequently extended to Assam.

22. In November 1906 the Burma Government recommended that the pay of the senior Registrar in the local Secretariat should be raised to Rs. 550—

Burma Secretariat.

20—650 and that of the second and third Registrars to Rs. 400—30—550 a month in view of the increased work and responsibility devolving on these officers. The Government of India recommended^a the proposal to the Secretary of State who sanctioned^b it. In January 1907 the Government of Burma represented to the Government of India the need of additional assistance in the local secretariat and recommended (1) the creation of an entirely new department with a Secretary, an Under Secretary and the necessary office establishment; (2) the increase of the maximum salary of the senior of the two Secretaries (other than the Chief Secretary) from Rs. 2,000 to Rs. 2,250 a month; and (3) the increase of the maximum salaries of the junior Under Secretary and the Assistant Secretary from Rs. 1,000 to Rs. 1,200 a month. The estimated extra cost of the scheme was Rs. 97,134 a year. The Government of India were unable to support the proposal to create a new department; and suggested in the alternative that the desired relief might be secured by increasing the powers of the Financial Commissioner and Commissioners, and that the subordinate staff should be improved by adding some well-paid appointments to the clerical establishment. They were also prepared to recommend to the Secretary of State that the maximum pay of both the Secretaries should be raised from Rs. 2,000 to Rs. 2,250 a month^c, the local allowances attached to both appointments remaining as before at Rs. 400 and Rs. 300 respectively. They did not consider it necessary to raise the maximum salary of the Assistant Secretary above Rs. 1,000, but they recommended separately to the Secretary of State^d, who sanctioned the proposal, that the maximum salary of the junior Under Secretary should be raised to Rs. 1,200 for two years or for so long as the present incumbent held the post^e. The Government of Burma accepted the suggestion for raising the pay of the two existing Secretaries, but renewed its proposal for the creation of a fourth department of the secretariat and urged that it might be sanctioned for five years at least. It also proposed instead of adding a few highly paid appointments to the clerical establishment, a wholesale revision of that establishment at an extra cost of Rs. 62,340, and asked for a reconsideration of the decision as to the salary of the Under and Assistant Secretaries. The Government of India adhered to their decision as to the fourth department and the salary of the Under and Assistant Secretaries. They accepted the Lieutenant-Governor's proposals for the revision of the clerical establishments and informed the Burma Government that it might at once introduce minor measures of decentralization without waiting for the results of the Royal Commission's labours. The revised proposals were referred to the Secretary of State in May 1908, and were sanctioned.^f

23. In 1906, the Khandesh district in the Bombay Presidency was, with the sanction of the Secretary of State, divided into two separate Collectorates, to be

known as East Khandesh and West Khandesh, with head-quarters at Dhulia and Jalgaon, respectively.

(a) F. D. desp. no. 88, d. Mar. 14, 1907.
(b) Desp. no. 65 (Pub.), d. May 3, 1907.
(c) H. D. letter no. 976, d. Aug. 23, 1907.

(d) Tel. d. June 11, 1907.
(e) F. D. desp. no. 159, d. May 2, 1907.
(f) Desp. no. 110 (Pub.), d. Aug. 7, 1903.

In February 1907 the Government of the Punjab proposed the division of the district of Lahore into two districts, the new district to be thus created having its head-quarters at Kasur. After a considerable amount of correspondence on the details of the scheme, the local Government intimated in September 1909 that, in view of the straitened condition of the provincial finances, it was unwilling to incur the great expense which the creation of a new district must entail, and proposed accordingly to solve the difficulty by investing the officer in charge of the Kasur Sub-division, who would be of a standing approaching that of officiating Deputy Commissioner, with a considerable measure of the Deputy Commissioner's powers, and to keep the same officer in charge of the sub-division for three years or thereabouts, granting him, as compensation for the loss of officiating promotion, a local allowance of Rs. 200—50—300 a month instead of Rs. 50 which was attached to the post. This proposal was recommended to the Secretary of State in January 1910 and sanctioned by him in March of the same year.

In September 1907 the Government of Bombay submitted a scheme for the division of the districts of Hyderabad and Thar and Parkar in Sind into three districts. The proposal is still under consideration.

In 1909 the Government of India sanctioned the inclusion of the Garo Hills district in the Assam Valley Commissionership.

The Commissionership of Patna had for a long time been admitted to be too heavy a charge for a single officer and an Additional Commissioner had been employed almost continuously for many years. In January 1906, in submitting proposals for dividing the Patna division into two separate Commissioners' charges, the Lieutenant-Governor said that two officers were undoubtedly required, and that the districts would never be administered with real efficiency until each officer had a separate charge. He proposed that the Commissionership should be broken up into two divisions consisting respectively of the districts lying to the north and to the south of the Ganges. The Government of India agreed with the local Government as to the division of the Commissionership into two charges; but they thought that a Commissionership consisting only of the three districts south of the Ganges was an unduly light charge, and they recognised the desirability of effecting a comprehensive rearrangement of the limits of certain other divisions of the province so as to afford relief to the heavy divisions of the Presidency and Burdwan. Having regard, however, to the state of public feeling brought about by the partition of Bengal, they considered it to be inexpedient to put forward any such scheme at the time and asked the Secretary of State to sanction for the present only the division of the Patna Commissionership as proposed by the local Government^a. The Secretary of State remarked that the main ground on which the Board of Revenue considered the existing system to be unsound was that when the hearing of appeals passed out of the hands of the Commissioner, he lost a valuable source of knowledge as to the character and ability of his subordinates. He observed that in 1897 Lord George Hamilton had suggested that the Additional Commissioner should not be exclusively employed on judicial work but should be given charge, possibly in rotation, of all descriptions of business within a definite area. He inquired why this suggestion had not been adopted and asked for further information on the subject^b. The Bengal Government, to whom these remarks were communicated, explained that Lord George Hamilton's suggestion would give rise to much administrative inconvenience. The Lieutenant-Governor added that all his responsible advisers were unanimous

(a) F. D. despatch no. 438, d. Dec. 6, 1906.

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(b) Dep. no. 28 (Pub.), d. Feb. 15, 1907.

in the opinion that it was a matter of urgent administrative necessity to divide the Patna division as already proposed, and that the measure would meet with general approval in Behar. The Government of India fully agreed with the local Government and urged^a the Secretary of State to sanction the division of the Patna Commissionership into two Commissioners' charges. The Secretary of State was, however, still apprehensive lest the proposed measure might revive some of the soreness about the partition of Bengal, and suggested^b that, if it could not be suspended for a time, the scheme should be published so that popular feeling might be rightly interpreted. The local Government accordingly published the scheme, and the communications received in response to the invitation clearly established its contention that the proposed partition would meet with general approval in Behar. These documents were forwarded^c to the Secretary of State who then sanctioned the scheme^d, which was finally carried into effect on the 18th November 1908. The old Patna Division was thus divided into two, *viz.*, (a) the Tirhut Division, comprising the districts of Muzaffarpur, Darbhanga, Champaran and Saran, and (b) the Patna Division consisting of the Districts of Patna, Gaya and Shahabad.

In 1902 Mr. W. S. Meyer, C.I.E., was placed on special duty to work out a scheme for reconstituting the districts in the Madras Presidency. His proposals involved the creation of three new districts and sixteen sub-divisions. As an instalment of that scheme the districts of Godavari, Kistna and Nellore were rearranged and a new district called the Guntur district and five new sub-divisions were created in 1904. The formation of two new districts and eleven sub-divisions remained for consideration. The Secretary of State, however, having insisted that the scheme should be completed in all its bearings before submission to him, the Government of Lord Minto considered together all the various proposals submitted by the Government of Madras between the years 1903 and 1906. These proposals involved the following questions:—

- (1) the redistribution of administrative charges ;
- (2) increases to the executive staff—(a) superior ; (b) provincial ; and (c) subordinate ;
- (3) increases to the judicial staff—(a) superior and (b) subordinate ;
- (4) the reorganization of the clerical and petty establishments of districts, sub-divisions and taluks ;
- (5) the revision of the cadre of the Indian Civil Service and the regrading of the various classes of appointments in that service ;
- (6) the revision of the provincial and subordinate civil services ; and
- (7) additions to the miscellaneous services ; *viz.*, Police, Medical, Registration, Jails, Education and Forests.

The Government of India accepted the Madras Government's recommendations as regards all the items except item (5) and a part of item (6). They suggested a revised grading of collectors, judges, and sub-collectors, and offered certain remarks on the methods of calculating the cadre and strength of the Indian Civil Service. They did not agree entirely with the local Government as to the pay of sub-collectors and assistant collectors and of the secretariat appointments. The Madras Government's proposals regarding tahsildars were based on localized rates of pay ; but the Government of India considered that the pay of these officers should be delocalized and that the officers should be placed on a graded provincial list as in other provinces. Finally the local Government were asked to submit revised proposition statements showing the modifications sug-

(a) F. D. desp. no. 248, d. Sep. 5, 1907.

(b) Tel. from Secy. of State, d. Dec. 2, 1907.

(c) H. D. desp. no. 2, d. Mar. 19, 1908.

(d) Desp. no. 68 (Pub.), d. May 15, 1908.

gested, together with a synopsis of those statements indicating the financial effect of the whole scheme. The Madras Government accepted all suggestions of the Government of India except that about tahsildars and recommended a minor change in the grading of Collectors. The Government of India did not press their views regarding the tahsildars; but they further revised the grading of Collectors so as to provide a more liberal grading than that recommended by the local Government. The revised scheme was accordingly recommended to the Secretary of State who sanctioned it. The scheme involved an extra expenditure of Rs. 7,00,615 a year.

The question of dividing the district of Mymensingh has been under consideration at various times since 1876. In

Proposed partition of the District of Mymensingh and provision of Additional District Magistrates for that district and certain other districts in Eastern Bengal and Assam and Bengal.

the beginning of 1907 the position had become so serious in consequence of the

political unrest that the Lieutenant-Governor of Eastern Bengal and Assam proposed the appointment of an extra District Officer at Mymensingh to relieve the District Magistrate of all criminal work and of a great portion of his miscellaneous business, so as to enable him to tour more widely and to deal more effectually with the larger questions that came before him. The Government of India recognised the necessity of giving the assistance asked for as an *ad interim* arrangement pending the preparation of a scheme for the permanent division of the district, and permitted the Lieutenant-Governor to depute an officer for six months. An Additional Magistrate of Mymensingh was accordingly appointed from the 30th April 1907. This period was extended by the Government of India to two years, which expired on the 30th April 1909. As the local Government had not been able to mature its final proposals regarding the larger scheme, and as the Government of India were satisfied that the district required an Additional Magistrate until divided or until some other permanent measure of relief should be adopted, they sanctioned the continuance of the appointment as a temporary addition to the third grade of Magistrates for another year from the 1st May 1909 and obtained the Secretary of State's approval of their action.

In October 1907 the Government of Eastern Bengal and Assam urged the necessity for temporarily adding four posts of Additional District Magistrate on Rs. 1,500 a month for three years in order to strengthen the staff of certain districts with a view to the maintenance of public peace and tranquillity. The Government of India sanctioned the creation of four posts for a period of one year in the first instance. In November 1908 the local Government recommended their continuance for a further period of two years. The Government of India sanctioned the continuance of the appointments for one more year as they saw no sufficient reason for going beyond their financial powers and extending the period by two years at once. In December 1909 the Government of Eastern Bengal and Assam represented that in view of the unfavourable political conditions of the province and also as a part of the general administrative machinery the permanent inclusion of the five appointments in the cadre of the Indian Civil Service was an absolute necessity. The Government of India were disposed to agree that ultimately these posts would be permanently required, but on financial grounds they suggested to the local Government that the Mymensingh appointment and two other appointments,

(a) F. D. desp. no. 141, d. June 17, 1909.

(b) Desp. no. 156 (Pub.), d. Nov. 26, 1909.

(c) { F. D. desp. no. 110, d. May 20, 1909.
{ Desp. no. 102 (Pub.), d. July 9, 1909.

(d) { H. D. letter no. 52, d. Jan. 10, 1908.

{ F. D. desp. no. 33, d. Jan. 30, 1908.

(e) { E. B. & A. letter no. 4472-A., d. Nov. 6, 1908,
{ H. D. letter no. 1284, d. Dec. 18, 1908.

(f) E. B. & A. letter no. 1164-A. T., d. Dec. 3, 1909.

might be permanently included in the cadre, but that the remaining two appointments might be continued on a temporary basis for another three years^a. The local Government having for the present agreed to this modification of its proposals, the Government of India sanctioned, subject to the Secretary of State's approval, the continuance of the five appointments on the existing terms until the end of October 1910.

A scheme for the division of the Midnapore District into two districts having been for political reasons postponed, an additional District Magistrate for that district was sanctioned for two years in 1908 and has since been continued until further orders.

24. In 1904 Lord Amthill's Government proposed to the Secretary of State

Abolition of the rule restricting the grant of acting allowance for the first thirty days in a privilege leave vacancy.

the rescission of article 99 of the Civil Service Regulations, which refused acting allowance for the first thirty days to an

officer officiating in a higher grade or post in a privilege leave vacancy. The Secretary of State expressed his readiness to modify the rule so as to allow full acting allowances for the entire period in cases involving increased work or responsibility or transfer to another station. He hesitated, however, on the ground of expense, to sanction the proposal in its entirety, and desired to be furnished with an estimate of the cost of any modified proposals which, on reconsideration, the Government of India might submit. Lord Curzon's Government, in furnishing the estimate, represented that it would be extremely difficult in the case of ministerial appointments to decide whether the condition regarding additional work or responsibility was fulfilled, and that it would be invidious to make a distinction between gazetted and non-gazetted establishments. They urged the total abolition of the rule, but in the event of the Secretary of State being still unable to agree to this they pressed for the abolition of the rule as regards ministerial officers. The Secretary of State considered these estimates to be possibly too low, and asked for information as to the basis on which they had been prepared. He was satisfied, however, that the condition regarding increased work and responsibility should be withdrawn in the case of ministerial establishments. Lord Minto's Government, in explaining that the Government of India had not seriously underestimated the expense involved, urged that the concessions already sanctioned deprived the rule of most of its financial importance and that it would still prove inequitable in its operation.^b The Secretary of State finally agreed to the total abolition of the rule.^c

25. In April 1906 the Bengal Government proposed an amendment of

Travelling allowances.

the rules which regulate the travelling allowance of gazetted officers on trans-

fer. The local Government considered that in most cases the travelling allowance admissible under the rules was quite inadequate to cover the expenditure to which an officer was necessarily put on transfer, and submitted a number of typical cases which demonstrated the hardship inflicted. The Lieutenant-Governor proposed that the actual travelling expenses of an officer travelling on transfer in the interests of the public service ought to include the expenses actually incurred in conveying his family from one station to another, the transport of a reasonable quantity of baggage, and the conveyance of horses and carriages by such officers as were required to keep them for the proper discharge of their duties. The question of granting special rates of travelling

(a) H.D. letter no. 420, d. Apr. 22, 1910.

(b) F. D. desp. no. 108, d. Mar. 29, 1906.

(c) { Desp. no. 74 (Finl.), d. June 20, 1906.
H. D. resn. nos 856-889, d. Aug. 8, 1906.

allowance to officers on transfer had been discussed by the Government of India on more than one occasion. On the last occasion it was raised by the Finance Committee who recommended in 1886 that transfers should be treated as distinct from ordinary travelling within officers' circles of jurisdiction, and that a separate scale of allowance should be laid down so as to prevent officers, and especially the junior and lower paid amongst them, from loss. On that occasion the Government of India recognised that some concession was needed in the case of non-gazetted officers whose salaries did not exceed Rs. 400, and their decision was embodied in the Civil Service Regulations. The figures supplied by the Bengal Government and the fact that the Governments of Burma and Eastern Bengal and Assam had simultaneously raised the question in one form or another, afforded strong *prima facie* grounds for reconsidering the matter, and the Government of India decided therefore to consult local Governments suggesting a modification of the rule proposed by the Bengal Government which appeared unduly liberal. Their replies have been received and the matter is still under the consideration of the Government of India.

In March 1907 the Government of Bengal represented that the rule which prevented sub-deputy collectors from drawing travelling allowance for road journeys unless the distance travelled exceeded 15 miles operated harshly and recommended the grant to them of travelling allowance at the rates ordinarily admissible under the Civil Service Regulations. The Government of India sanctioned the concession which has also been extended to sub-deputy collectors in Eastern Bengal and Assam. In October 1908 the Government of Eastern Bengal pointed out that while probationary Extra Assistant Commissioners and Deputy Collectors who drew a subsistence allowance of Rs. 100 a month were treated, under Article 1002 of the Civil Service Regulations, as third class officers, Sub-Deputy Collectors of the 5th grade on Rs. 100 a month were classed as second class officers. The Lieutenant-Governor considered this anomalous, and recommended that such probationers should be included among officers of the second class for the purposes of the travelling allowance rules. The proposal was sanctioned; and after consultation with the Bengal Government the concession was extended to probationary Deputy Collectors of that province also. Under the orders of March 1905 and February 1907 a gazetted officer above the rank of Registrar who accompanied the headquarters of the Government of India to and from Simla and whose salary was Rs. 1,500 a month or more drew no family travelling allowance. The limit under this rule was found to entail hardship on certain officers and the Government of India accordingly directed in February 1909 that Gazetted Officers above the rank of Registrar, whose salary was Rs. 1,500 or over but did not exceed Rs. 2,500 a month, should be granted family travelling allowance at certain specified rates.

26. In July 1909, the Government of the Punjab submitted a memorial from

the Punjab Hindu Sabha, in which they
Memorial of the Punjab Hindu Sabha, Lahore. drew the attention of the Government of

India to the following grievances, *viz.*—(1) the differential treatment accorded to the Hindus in the distribution of Government patronage quoting in particular the police, the revenue, the judicial and the education departments; (2) the disabilities imposed on the Hindu community of the Punjab by the Punjab Land Alienation and Pre-emption Acts; and (3) the disadvantageous position in which the Hindu community would be placed in the matter of representation under the scheme for the enlargement of the Legislative Councils. The Government of India after carefully examining the composition of the branches of the service

referred to under heading (1), showed that the complaint preferred by the Sabha was altogether unfounded. With regard to (2) the memorialists were informed that the Punjab Alienation of Land Act which was specially devised to protect the lands of agriculturists from transfer would be worked with the greatest care and impartiality in the interest of the agricultural population generally and that the case of any caste or section of a caste, which might establish its claim to be considered an agricultural tribe, would always receive the careful and sympathetic consideration of Government. So far as the Pre-emption Act was concerned it was stated that in a draft Bill prepared by the Government of the Punjab for the amendment of the Act provision had been made for dealing with some of the grievances and that when the Bill was introduced in the Provincial Legislative Council the Sabha would have a further opportunity of representing their views. As regards their complaint against the principle of special representation in the enlarged Legislative Councils the memorialists were told that the question was no longer open to discussion but that ample provision would be made to safeguard the interests of all important minorities.

27. In October 1907 the Bengal Government recommended to the Government of India that subjects of Native States should be admitted to the same privileges as Indian subjects of His Majesty in respect of employments in the Imperial services of India. It was principally in respect of the difficulty of finding employment for the younger sons of native chiefs that the Lieutenant-Governor raised the question. These young men, he said, were debarred from employment suitable to their social position and surroundings and were often condemned to a life of idleness, which exposed them to the greatest moral and social dangers. He thought that there would be political advantages in affording employment for them, and that it would greatly encourage the chiefs to give their sons the best possible education. The question was left over for further consideration pending a reply from the Secretary of State as to the eligibility of the subjects of Native States for appointment to the I. O. S. and I. M. S.

28. A question having arisen as to the conditions under which a military officer who is temporarily in civil employ should be granted leave when such leave extends beyond the period for which his services have been lent to the civil department, the Government of India in January 1907 issued a resolution laying down definite rules for the grant of leave to such officers, the principal effects of which were (1) that when an officer who is lent to a Civil Department for a specific duty any leave for which he may apply on the termination of such duty should be granted by the military authorities; (2) that when an officer is lent to the Civil Department for a fixed term and is desirous of taking leave within that period the leave should be granted by the Civil authorities; and (3) that when leave extends beyond the period of such term it should also be granted by the same authorities after consultation with the military authorities, the portion falling within the term being granted with reference to the officer's status as a civil officer and the remainder as a military officer.

29. During Lord Curzon's administration the Government of Bombay informed the Government of India that on the introduction of the Imperial

Assistant to the Collector of Bombay and grant of local allowances to him and the Collector.

Customs Service it would be necessary, in order to provide for the discharge of the miscellaneous duties performed by the Collector of Customs at Bombay, to add one junior collector to the provincial staff with an assistant, and to grant the collector and his assistant a local allowance of Rs. 200 and Rs. 150 a month, respectively, together with a conveyance allowance of Rs. 50 each. Lord Curzon's Government recommended the appointment of a junior collector, but they did not support the proposal for the grant of local allowances. The Secretary of State approved the Government of India's recommendations. In October 1905 the Bombay Government requested that concurrently with the formation of the Imperial Customs Service the new Collector of Land Revenue at Bombay might be provided with an assistant on Rs. 700, and that in lieu of their original proposals the Collector and his assistant might be granted a local allowance of Rs. 350 and Rs. 200 a month, respectively. Lord Minto's Government explained ' to the Bombay Government that they were at liberty to grant the Collector a covenanted assistant from any grade within the sanctioned staff of assistants, but that having regard to the scheme for the recruitment of the Indian Civil Service no addition could be made to the sanctioned strength on that account. On a re-consideration, however, of the question of local allowances they decided that such allowances were necessary in view of the facts that the duties of the posts were important and irksome and the expenses of residence in Bombay were heavy. They considered that an allowance of Rs. 150 and Rs. 100, respectively, would be sufficient for the Collector and his assistant and they also recommended ' a conveyance allowance of Rs. 50 in each case. The Secretary of State sanctioned ' these allowances.

30. In February 1908 the Madras Government pointed out that the pay of this appointment was fixed at Rs. 600 a month in 1864 on the supposition that it would ordinarily be held by a military officer, but as they considered that for administrative reasons the post should in future generally be held by a junior member of the Indian Civil Service, they recommended that the Assistant Collector appointed to the post should be permitted to draw the salary to which he would be entitled if he were in the regular line, subject to the limit of the pay of a permanent Head Assistant Collector, *viz.*, Rs. 768½ a month^d. The Secretary of State sanctioned the proposal, but desired a further explanation as to why the local Government considered that the post should be held by an Indian Civilian'. The explanation was submitted to His Lordship in January 1909, who agreed that the reasons given by the local Government were adequate^f.

31. In lieu of a local allowance of Rs. 200 a month hitherto granted to any extra assistant commissioner who might be selected to fill the office of assistant magistrate in Rangoon, the Burma Government proposed that a local allowance of Rs. 200 a month should be sanctioned for one of the subordinate stipendiary magistrates, to be designated by the local Government, and a similar allowance of Rs. 100 for each of the other magistrates. In justification of these proposals the Lieutenant-Governor referred to the increase of work and responsibility devolving upon the magistrates, and also to the expensiveness of living and the high rates of house-rent prevailing in

(a) H. D. letter no. 641, d. June 12, 1906.
 (b) F. D. desp. no. 232, d. June 23, 1906.
 (c) Desp. no. 178 (Rev.), d. Sept. 14, 1906.
 (d) F. D. desp. no. 90, d. Mar. 19, 1908.

(e) Desp. no. 51 (Political), d. May 8, 1908.
 (f) { H. D. desp. no. 2 d. Jan. 14, 1909.
 { Desp. no. 30 (Political), d. Mar. 12, 1909.

Rangoon. The Government of India recommended these proposals to the Secretary of State, who sanctioned them.^a

32. In 1906, in sanctioning a special rate of pension for an extra assistant commissioner in the Punjab who had suffered through not having received

Miscellaneous,

promotion in the grade of tahsildar while officiating as an extra assistant commissioner, the Secretary of State observed that the Punjab Government proposed in future to give promotion in the tahsildars' grade to officers in such circumstances. He asked for the views of the Government of India on the change of practice contemplated and inquired what was the practice followed in other provinces in the matter^b. On inquiry it was found that the revised system which the Punjab Government proposed to adopt was the prevailing practice in the majority of provinces and that where it was not the practice the local Governments concerned considered the change to be desirable. It seemed to the Government of India to be clearly equitable^c and, with the Secretary of State's approval^d, they issued general instructions to local Governments accordingly^e.

In 1895, the Secretary of State sanctioned certain rules regulating the emoluments of officers of the Indian Civil Service or of a Commission and Statutory Civilians, deputed to settlement work. Under these rules a settlement officer draws an allowance of Rs. 150 a month, which counts as part of his salary. In June 1907, the Punjab Government brought to notice a case in which the Accountant General had refused to pass the settlement allowance for an officer of the provincial service who was holding a listed post of deputy commissioner and was employed on settlement duty, on the ground that the rules did not apply to members of the provincial service. The local Government recommended that the rules should be made applicable to such officers in future. At the instance of the Government of India the Secretary of State agreed to the proposal that the rules of 1895 should be applied in future to members of a provincial service holding listed posts of deputy commissioner and employed on settlement duty^f.

In reply to an inquiry made by the Government of Bombay the local Government were informed that the creation of temporary posts of Deputy Collector to fill leave vacancies among members of the Indian Civil Service was opposed to the fundamental principles underlying the scheme for the recruitment of that service which was intended to be a self-contained body including within itself a reserve sufficient to provide for leave vacancies, but that there was no objection to the Government of Bombay creating temporary deputy collectorships in order to make good any depletion in the ranks of the Indian Civil Service when the provision in the cadre of that service for temporary appointments and deputations had been exhausted by the deputation of officers on settlement as well as other duties.

In 1907 the question was raised as to what salary should be received by officers holding special appointments such as those of Director of Land Records, Director of Agriculture, Settlement officer, etc., in which the salary depended upon the position that the officer, if he were not holding the special appointment, would have occupied from time to time in the regular line of the service to which he belonged. It was decided that as a general rule, such officers should

(a) { F. D. desp. no. 37, d. Feb. 8, 1906.
Desp. no. 15 (Judl.), d. Mar. 16, 1906.
(b) Desp. no. 78 (Finl.), d. July 13, 1906.
(c) F. D. desp. no. 336, d. Aug. 29, 1907.

(d) Desp. no. 152 (Finl.), d. Oct. 25, 1907.
(e) B. D. letter nos. 30-40, d. Jan. 9, 1908.
(f) { F. D. desp. no. 344, d. Sep. 5, 1907.
Desp. no. 189 (Rev.), d. Nov. 1, 1907.

draw the salary drawn by the officer next below them who, belonging to the same branch of the service, did not hold a special appointment, *plus* any allowances which the special appointment might carry. As, however, it was not possible to frame a rule which would cover all exceptional cases, it was left to the local Government to determine, subject to scrutiny by the audit officer, in doubtful cases which officer in the regular line should be regarded as the officer next below the officer holding a special appointment.

33. The Government of Madras suggested in 1905 that rule VI of the

Indian Civil Service Examination.

rules under which certificates of age and nationality are granted to natives

of India who are candidates for the Indian Civil Service examination should be altogether omitted or so amended as to allow of the acceptance of an earlier (but not of a later) date of birth than the one originally declared, in cases where such an earlier date can be substantiated by family records. After consulting the other local Governments, who were not unanimous in their opinions, the Government of India were unable to accept these suggestions. They thought it would be difficult to foresee all the circumstances in which misrepresentation might be attempted; that the principle that a formal declaration of age once made must be adhered to was one which readily commands recognition; that the object of the rule was not so much to punish wilful misrepresentation as to prevent playing fast and loose in a matter of importance; that the rule should be strict and strictly adhered to and that any declaration of age for public purposes, express or implied, should, in the case of Government servants, be deemed absolutely conclusive.^a

In January 1906 the Secretary of State forwarded for the consideration of the Government of India a representation from the delegates charged with the supervision of selected candidates for the Indian Civil Service at Oxford, in which they urged that the allowance of £100 now made to such candidates who pass their year of probation at an approved University should be increased to £200. The application was mainly founded upon the argument that the present arrangement forces many of the probationers to incur debts to meet the expenses of their year's residence at a University, which the allowance of £100 was inadequate to cover. The Secretary of State added that it had been suggested to him that instead of increasing the present allowance a free passage might be granted to candidates who are finally admitted to the Indian Civil Service.^b The local Governments who were consulted were generally of opinion that the junior members of the Indian Civil Service frequently arrive in this country considerably in debt, but that there was no evidence to indicate that such indebtedness had led to any untoward results. They agreed that some relief was needed, but they were not unanimous in their recommendations. Having carefully considered the various proposals, the Government of Lord Minto recommended to the Secretary of State that the present University allowance of selected candidates should be raised to £150, and that the candidates who are finally appointed to the Indian Civil Service should also be granted a free passage to India. These recommendations^c were accepted by the Secretary of State, with the modification that instead of providing a free passage to India he decided to pay an allowance of £43 for passage to Burma and of £37-10s. for passage to Calcutta, Madras or Bombay. The decision was embodied in the regulations relating to the Indian Civil Service examination for 1908.

(a) H. D. letter no. 201, d. Mar. 2, 1906

(c) H. D. desp. no. 57 (Estabts.), d. Nov. 1, 1906.

(b) Desp. no. 4 (Pub.), d. Jan. 12, 1906.

34. Several important changes were made in the system of examinations for Government officers both as affecting their preliminary studies and as directed to the subsequent development of their efficiency for the needs of the administration.

Examinations.

35. The Government of India, at the instance of the Burma Government, recommended to the Secretary of State that selected candidates for the Indian Civil Service posted to Burma should be permitted to take up Hindustani in place of Chinese as an optional subject during the year of probation, as the experience of the past ten years had shown that the study of Chinese by selected candidates in England is of no practical use^a. The Secretary of State accepted the proposal and amended the regulations accordingly. In the regulations for 1903 the Civil Service Commissioners made certain amendments in regard to the examinations in modern languages and history. It has also been decided that geography should be included as a subject at the open competitive examinations held after 1908. In 1909 the Civil Service Commissioners proposed that the minimum standard of proficiency in riding of officers of the Indian Civil Service, the Indian Police and the Public Works Department should be made identical, and suggested certain changes in the riding tests formerly prescribed. The Government of India agreed to the first proposal and left the changes in the tests to the discretion of the Civil Service Commissioners^b.

Under the regulations in force up to 1908, selected candidates for Eastern Bengal and Assam were grouped with those for the lower provinces of Bengal and were given the option of studying either Bengali or Hindustani during their year of probation. In July 1908 the Government of Eastern Bengal and Assam pointed out that this arrangement did not work well and frequently resulted in candidates being allotted to the province who had made no attempt to study in England its chief vernacular, Bengali. The Government of India agreed with the local Government and in October 1908 asked the Secretary of State to allot the required number of candidates to Bengal and Eastern Bengal and Assam separately, immediately after the publication of the result of the open competitive examination, and to require the candidates assigned to the latter province, other than Indian gentlemen whose mother tongue was Bengali, to take up Bengali, without option, for the final examination^c. The Secretary of State approved this arrangement and gave effect to it from the date of the open competition held in 1909^d. The regulations require that a selected candidate assigned to Bengal, to Eastern Bengal and Assam or to Madras may not offer his mother tongue as the vernacular language in which he will undergo examination, but no such restriction is imposed on a probationer assigned to Bombay, for which only one vernacular—Marathi—is prescribed. In January 1910 the Government of India accepted the suggestion that the conditions should be the same in Bombay in this respect^e.

36. In 1903 the Government of India were invited to consider the question of the sufficiency of the legal training of junior members of the Indian Civil

Scheme for the legal training of civilians in England.

(a) H. D. desp. no. 6, d. Mar. 21, 1907.

(b) H. D. desp. no. 8, d. Apr. 22, 1909.

(c) H. D. desp. no. 28, d. Oct. 1, 1908.

(d) Desp. no. 67 (Pub.), d. Apr. 30, 1909.

(e) H. D. desp. no. 1, d. Jan. 13, 1910.

Service, and a reference was made to local Governments on the subject. This reference and the replies of local Governments deal with two distinct questions—*viz.*, (1) the general legal training of all civilians and (2) the special legal training of those members of the service who elect for the judicial branch and become district and sessions judges. The second question has been dealt with in Chapter III.

The first question also falls into two distinct divisions, *viz.*—

(1) the training of civilians in England and (2) the training of civilians after arrival in India. After giving the matter much anxious thought Lord Minto's Government came to the following conclusions as regards the first of these questions:—

- (i) that the age limits for the open competition should be reduced to 20-22 and that the scale of marks assigned in that examination to English and Roman Law should be raised;
- (ii) that the period of probation in England should be increased to two years;
- (iii) that the curriculum prescribed during that period should include:—
 - (a) a law course, theoretical and practical, on the lines of the system of 30 years ago, but considerably more searching;
 - (b) a course of study in the vernacular language, comprising one compulsory language and allowing only one optional, with the object of imparting a knowledge of grammar and text-books sufficient to enable candidates to master the language readily after some study and practice in India;
 - (c) an acquaintance with the geography and history of India;
 - (d) political economy on lines similar to the course of 30 years ago;
 - (e) a knowledge of accounts;
 - (f) proficiency in riding.

These proposals were submitted for the consideration of the Secretary of State in July 1907^a.

37. In September 1907 the Government of India gave their approval to revised rules framed by the Government of Eastern Bengal and Assam for the departmental examination of officers in vernacular languages and in law. As regards vernacular languages, Bengali was treated as the chief language of the province and its importance was greatly emphasized by requiring both literary and colloquial proficiency and by enhancing the severity of the test previously in force. In Assamese the nature of the examination was so modified as to require a practical acquaintance with the language without insisting upon a minute or scholarly knowledge. The examination in Hindustani was made a purely colloquial one. As regards the examination in law, the list of acts, regulations and rules was revised so as to make the examination a more practical test of acquaintance with the provisions actually required in the ordinary work of a magistrate or a collector. The examination in accounts was also modified on more practical lines. Some important changes were further introduced in the rules regarding the liability of officers to examination and the consequences of their success or failure in it. Special rules were also framed for the examination of medical officers in civil employ.

Changes made in departmental examinations—
(a) Eastern Bengal and Assam.

In August 1908 the Government of Bengal submitted a revised scheme for the departmental examination of assistant magistrates and others so as to provide for an adequate training in law and procedure of all young officers. The Government of India accepted the changes in regard to procedure, but as regards the examination in law they suggested to the local Government a revision of the rules on the lines of those for Eastern Bengal and Assam. The local Government accepted the suggestion and revised the syllabus of the examination accordingly.

At the suggestion of the Government of India an examination in the Punjabi language was made part of the departmental examination of assistant commissioners in the Punjab in addition to an examination in Hindustani. A colloquial examination in Punjabi was also made obligatory for medical officers in civil employ in the province.

As in the cases of Eastern Bengal and Assam and Bengal, the rules for the departmental examination in civil law and procedure of junior members of the Indian civil and provincial services in the Central Provinces also were, with the approval of the Government of India, revised in a manner which, it was hoped, would make the examination of more practical value.

Owing to the fact that district officers in Coorg frequently displayed an ignorance of the vernacular, the Chief Commissioner of Coorg, with the approval of the Government of India, framed a set of rules which require that officers deputed by the Madras Government for service in Coorg, shall be examined in Canarese if they have not already passed in that language.

38. In June 1906 the Government of India, in the Army Department, revised the rules for the examination by the higher and lower standards in Hindustani.^a The language is now described as Hindustani instead of Urdu, and candidates are permitted to write their exercises in either the Persian or the Hindi character. The examination has been divided into two parts, and candidates are required to pass in Part I (written translation from English into Hindustani) before presenting themselves for Part II (translation *vis à vis* from Hindustani into English, etc.). These rules have been made applicable to civil officers with effect from 1st November 1906^b.

As the text-books prescribed for these examinations were found to be unsuitable the Government of India asked the Boards of Examiners at Calcutta and Madras, and the Civil and Military Examination Committee, Bombay, to make definite proposals, in consultation with each other, for the selection of new and more suitable text-books for both standards of examination. The views of these authorities indicated a consensus of opinion regarding the unsuitability of the present text-books, but there was no agreement on the choice of substitutes. Opinions on the whole were in favour of the compilation of text-books composed of suitable selections from published works, and, the Government of India, being of the same opinion, appointed a small committee to decide on the passages to be selected. The selections recommended by the Committee were in the main accepted by the Government of India, some

(a) L. A. O., no. 338, d. June 11, 1906.

(c) H. D. letter nos. 491-492, d. Oct. 7, 1907.

(b) H. D. letter no. 608, d. Sep. 17, 1906.

modifications however being made to suit the requirements of the Army Department and arrangements are now being made for the publication of the new text-books^a.

The recommendation made by Lord Curzon's Government for the institution of a "proficiency" examination in Hindustani received the approval of the Secretary of State in March 1906^b. This intermediate literary test was designed with the object of inducing civil and military officers to carry on their studies in Hindustani beyond the point reached by the higher standard and to acquire a good literary and scholarly knowledge of the language without undertaking so elaborate a course of study as is demanded by the high proficiency test. The reward for the examination has been fixed at Rs. 750 in the case of military officers and officers of the Burma Commission and at Rs. 500 in the case of civil officers serving elsewhere than in Burma. The rules for the new examination were first published in September 1906, but were revised in December 1907 so as to show more clearly what classes of officers might appear for it^c.

The arrangement which was subsequently made for holding this examination twice yearly at Lucknow and Lahore as well as at Calcutta, resulted in a large increase in the number of candidates^d. The same arrangement was also made in the case of the higher standard Persian examination^e.

In November 1904 the Secretary of State approved a proposal that an examination should be instituted in Assamese by the high proficiency standard, as an alternative to Bengali, for members of the Indian Civil and Educational Services^f. It was decided in July 1906 that members of the Indian Civil Service should be eligible for rewards for passing in Assamese whether they are serving in Bengal or in Eastern Bengal and Assam, but that in the case of the Indian Educational Service the grant of rewards should be restricted to officers employed in the latter province. The rules regarding the grant of rewards for proficiency in oriental languages were amended accordingly^g.

The details of the scheme for this examination, after being worked out by the Army Department, were submitted to the Secretary of State and with his sanction the examination was instituted with effect from the 10th April 1908^h. The examination is mainly intended for military officers but it is open to such officers in civil employ as may be admitted by the special orders of the Government of India.

In July 1907 the Government of Burma represented that since the abolition of the Pali examination in 1880 the conditions of the province had materially altered and that many reasons now existed for reviving the study of that language. It therefore proposed that all officers of the Burma Commission should be encouraged to study Pali by the grant of rewards of Rs. 800, Rs. 2,000 and Rs. 5,000 for passing by the higher standard, high proficiency and degree of honour tests respectively. The proposal commended itself to the Government of India, and the local Government was asked to submit

(a) H. D. letter no. 112, d. Mar. 5, 1909.

(b) F. D. desp. no. 470, d. Dec. 7, 1905 and Desp. No. 32 (Pub.), d. Mar. 9, 1906.

(c) H. D. notn. no. 642, d. Sep. 28, 1906, and no. 638, d. Dec. 20, 1907.

(d) H. D. notn. no. 304, d. Aug. 13, 1908.

(e) H. D. notn. no. 551, d. Dec. 23, 1909.

(f) Desp. no. 156 (Pub.), d. Nov. 11, 1904.

(g) H. D. notn. nos. 390 and 403, d. July 12, 1906.

(h) A. D. notn. no. 2a7, d. Apr. 10, 1908.

detailed proposals regarding the subjects to be prescribed for each examination. On receipt of the draft rules framed by the local Government for the examination the scheme was recommended to and approved by the Secretary of State^a.

Under the departmental examination rules officers in the Central Provinces are required to pass in Marathi by a standard equivalent to the higher standard. As this test did not secure as adequate a knowledge of the language as its importance demanded in view of the fact that Marathi is the court language of several districts and is spoken by a considerable proportion of the Central Provinces population, the Chief Commissioner proposed that a thorough knowledge of the language should be encouraged among officers in the Central Provinces by granting them rewards for passing the high proficiency and degree of honour examinations. The Government of India approved the proposal and ruled that members of the Indian Civil Service serving in the Central Provinces should be permitted to appear at the high proficiency and degree of honour examinations in Marathi which are held under the rules in force in the Bombay Presidency and to receive the same rewards for passing as are given to members of the Indian Civil Service in that presidency^b.

In the frontier language examination rules for Bengal and Eastern Bengal and Assam provision exists for two examinations in the Tibetan language with rewards of Rs. 500 and Rs. 1,000 respectively. These examinations demand a colloquial knowledge of the language and include tests in writing and translating Tibetan letters. It was suggested to the Government of India that a literary knowledge of Tibetan should be encouraged by fixing rewards for the high proficiency and degree of honour examinations, and that text-books should be prescribed to guide the course of study. The Government of India favoured the proposal, and asked the Government of Bengal to appoint a committee of gentlemen interested in Tibetan literature and researches to discuss the various aspects of the question in detail and to draw up a workable scheme, with special reference to the choice of text-books. In August 1908 the Government of Bengal submitted the report of the committee whose proposals were accepted as suitable^c. Arrangements are now being made for the preparation and publication of such of the text-books as are not already generally available. It is proposed to publish the rules as soon as the text-books for the high proficiency examination are ready for issue.

In consequence of the revision of the rules for the study and examination of Indian army officers in military employ in modern languages, including Russian, it was considered necessary to revise the rules for the study of the latter language by members of the Indian Civil Service and military officers in civil or political employ. An amended draft of the regulations was accordingly prepared and submitted to the Secretary of State in December 1908^d. His Lordship suggested certain modifications to the rules which were adopted by the Government of India, and the rules were finally published in July 1909^e.

(a) F. D. desp. no. 95, d. Mar. 26, 1908 and desp. no. 77 (Pub.), d. May 22, 1908.
(b) H. D. notn. no. 338, d. Oct. 8, 1908
(c) H. D. letter no. 86, d. June 29, 1909.

(d) H. D. desp. no. 31, d. Dec. 24, 1908.
(e) { Desp. no. 54 (Pub.), d. Mar. 26, 1909.
H. D. notn. no. 336, d. July 23, 1909.

39. With the approval of the Secretary of State, certain changes were

Frontier language examinations —

(a) Bengal and Eastern Bengal and Assam,

introduced into the Bengal rules for the examination of officers in the frontier

languages, relating chiefly to (1) the grouping of the languages for the study of which encouragement is given, (2) the institution of a second examination in the Tibetan language, (3) the opening of the examinations, with a lower scale of rewards, to members of the subordinate provincial executive service, and (4) the opening of the examinations to certain judicial officers and to certain officers of the Police, Forest, Education and Public Works Departments, with rewards on a higher or a lower scale according to their status^a. The rules for the examinations of officers in the frontier languages of Eastern Bengal and Assam also were revised with the approval of the Secretary of State on the basis of those adopted for Bengal^b.

In 1902 the Secretary of State sanctioned as an experimental measure

(b) Burma.

for three years the deputation of officers

on duty from the Bhamo and Myitkyina

districts and the Shan States to Tengyüeh for three months in the year to study the Yunnanese language. Very little advantage was taken of this concession during the three years for which it was sanctioned, and it has been decided with the approval of the Secretary of State that it should be continued experimentally for a further period of five years^c. Two new languages, Atsi or Szi and Maru, were added in 1906 to the list of Burma frontier languages for passing by the colloquial standard in which rewards are given, and in 1909 a revised and consolidated set of rules for the various examinations in the frontier languages of the province and in Shan and Karen were brought into force^d.

40. Till the year 1908 all rules for the grant of language rewards had

Powers of the Government of India to sanction language examination rules and to grant rewards.

to be submitted to the Secretary of State before issue. As this procedure entailed a

good deal of unnecessary correspondence, the Secretary of State empowered the Government of India to sanction the grant of rewards for passing examinations in oriental languages without reference to him^e.

41. The pay of the Secretary to the Board of Examiners has hitherto been

Board of Examiners, Calcutta.

fixed at Rs. 1,450 per mensem. As this

appointment requires high abilities and is

a prize for oriental scholars, and as difficulty had been experienced in securing suitable candidates for it on the existing rate of pay, the Government of India, with the sanction of the Secretary of State, raised the scale of pay and fixed it on a progressive basis at Rs. 1,500—50—2,000^f.

(a) { F.D. desp. no. 415, d. Dec. 21, 1905, and
no. 62, d. Mar. 1, 1906.
Desp. no. 26 (Pub.), d. Feb. 23, 1906, and
no. 45 (Pub.), d. Apr. 6, 1906. ,
(b) { F. D. desp. no. 179, d. May 16, 1907.
Desp. no. 90 (Pub.), d. June 23, 1907.

(c) Desp. no. 82 (Pub.), d. June 29, 1906.
(d) H. D. letters nos. 215 and 219, d. May 12, 1909.
(e) Desp. no. 106 (Pub.), d. July 31, 1908.
(f) Desp. no. 155 (Pub.), d. Sep. 18, 1908.

CHAPTER V.

JUDICIAL.

1. The Calcutta High Court represented in 1905 that the existing law relating to the preservation of the peace in respect of disputes regarding immoveable property, contained in Chapter XII of the Code, was unsatisfactory. In the opinion of the Judges these provisions, although they were intended to prevent disputes regarding land from ending in breaches of the peace, actually encouraged violent disputes, because they tempted the parties to bring their cases first of all before the criminal courts in the hope of securing for themselves the advantageous position of plaintiffs in subsequent civil litigation. They therefore proposed that the whole of Chapter XII of the Criminal Procedure Code should be repealed and that magistrates should be restricted to binding down parties to keep the peace, and, in special cases, to appointing a receiver to hold possession of the subject-matter of the dispute until an order as to possession could be obtained from a civil Court. After considering the views of the local Government and the other authorities who were consulted regarding these proposals, Lord Minto's Government decided, in 1910, that no case had been made out for the legislation recommended by the High Court and that the only amendment necessary in Chapter XII of the Code was an amendment making it clear that magistrates were not debarred from binding over parties personally to keep the peace, even where proceedings under that chapter had already been instituted in the Criminal Courts. They realised that special provisions for the settlement of disputes regarding newly formed alluvial lands in Bengal and in Eastern Bengal and Assam were necessary, but, as the other provinces were not concerned with this question, they decided to proceed with it separately and to ask the two Bengal Governments, which did not agree as to the measures to be adopted, to consult one another and to submit joint proposals.

Lord Minto's Government decided that section 106 of the Code should be amended so as specifically to confer on an appellate or revisional court, when dealing on appeal or revision with orders of second or third class magistrates convicting persons of certain offences involving a breach of the peace, the power to require the persons convicted to furnish security for keeping the peace, and that section 310 should be amended so as to permit a sessions judge in a case under section 307, after the jury had given its verdict, to record the plea of the accused in regard to prior convictions charged against him, and, if necessary, to take evidence regarding them before reporting the case for the orders of the High Court. They also decided that section 562 of the Code should be amended so as to enable first offenders, not known to be confirmed bad characters, who were convicted of all but the most heinous offences to be released on security.

The Governments of Burma and Bengal submitted proposals for a thorough revision of Chapter XXXIV of the Code so as to enable cases affecting lunatics accused of offences to be dealt with more promptly than under the existing law and to relieve local Governments of the duty of passing orders on a number of references which have to be made to them at present. The other local Governments were consulted regarding these proposals, and it was decided in 1910 that the law should be amended so as to give the courts, and, in the case

of lunatics committed to prison, the superior jail authorities, much greater powers in respect of these cases.

The Government of Bengal recommended that section 193 of the Code should be amended so as to enable the courts to take cognizance of an offence under Chapter XXI of the Indian Penal Code upon complaint made by order of, or under authority from, the Governor General in Council or the local Government, where the person defamed was a judge and the defamation complained of was in respect of the exercise of his judicial functions or when the immediate prosecution of the alleged offender was certified by the Governor General in Council or the local Government to be necessary in order to avert serious danger to the public peace. The Lieutenant-Governor suggested this amendment because a large number of violent personal attacks had been made in the newspapers on officers for acts done in the performance of their public duty or upon other persons not in sympathy with the revolutionary party for their public opinions*. In asking local Governments for their opinion as to the proposal that the law should be amended so as to provide for the protection of judicial officers from scurrilous attacks in the public press, Lord Minto's Government intimated that they were not satisfied that it was necessary to legislate in the manner suggested in order to protect private persons. They pointed out that it was open to such persons to seek redress both in the civil and in the criminal courts and added that there was no evidence before them to show that individuals who had been libelled had found the available remedies to be insufficient†. The replies of local Governments were being considered at the end of July 1910.

In 1908 the Government of Madras, in consequence of certain rulings of the Calcutta and Madras High Courts, proposed an amendment of sections 114, 115 and 496 of the Code with the object of providing (1) that a person arrested under section 114 (when there was reason to fear the commission of a breach of the peace which could not be prevented otherwise than by the arrest of such person) might be detained in custody until the completion of the inquiry by the Magistrate; and (2) that such person might be released on giving adequate bail, and re-arrested if the magistrate subsequently had reason to fear the commission of a breach of the peace and considered that such breach could not be averted except by the arrest and detention of such person‡. These proposals were referred to local Governments and Administrations in November 1908§, and it was decided in 1910 that the law should be amended when the next revision of the Code was undertaken.

At the end of 1909, the Secretary of State drew the attention of Lord Minto's Government to the provisions of the law which authorised the Executive Government in India to appoint prisons (under section 32 of Act III of 1900) as places in which effect might be given to sentences of transportation imposed by the Courts, and to convert sentences of transportation for life into sentences of imprisonment, either rigorous or simple. He observed:—

“The result is that in the case of offences where the Indian Penal Code prescribes alternative sentences, such as the penalty of transportation for life or of imprisonment of either description for 7 or 10 years, the convict may eventually have to undergo a much longer term of imprisonment (rigorous or simple) by virtue of the orders of the Executive Government than that which could have been awarded by the Judge had he seen fit to pass a sentence of

(a) { Bengal letter no. 8270-P., d. Sep. 7, 1908.
Ditto 1841-P. D., d. Oct. 14, 1908.

(b) H. D. cir. nos. 1108-1118, d. Aug 9, 1909.
(c) Madras letter no. 1088, d. Aug. 8, 1908.
(d) H. D. cir. nos. 1349-57, d. Nov. 7, 1908.

~~imprisonment~~ In other cases the incongruity of the law is not less marked. Where the penal law gives to the Courts power to award transportation either for life or for a term of years, with a further option of awarding ~~imprisonment~~ for a maximum term of years, the Courts sometimes pass a sentence of transportation for a term in excess of the term of ~~imprisonment~~ which is prescribed by the law. Since the term of transportation may be served in British India, the result is that the Judge and not the Executive Government gives a sentence of imprisonment, under the name of transportation, which goes beyond his powers if he had passed at once a sentence of imprisonment."

He asked the Government of India to consider whether these apparent incongruities render it desirable that the law or the rules should be amended^a.

Lord Minto's Government consulted the local Governments on the subject in June 1910^b. They pointed out that sentences of transportation for a term short of life could apparently be passed only under sections 59, 121-A, 124-A, and 511 of the Indian Penal Code, and that sentences of transportation under the first of these sections presented no difficulty, as they were passed in lieu of imprisonment, and could be commuted again into sentences of imprisonment. Sentences of transportation under the other sections, on the other hand, although not very numerous, would generally, if commuted under the existing law, have to be commuted into entirely inadequate terms of imprisonment. In most of such cases, however, that is to say, unless it was found impracticable to carry out the sentence of transportation on the score of the ill-health of the convict, it would probably be considered advisable to leave the sentence as passed and to send the prisoner to the Andamans. The Government of India thought that in this way a solution might be found of the problems suggested by the Secretary of State's despatch, but they asked local Governments for their opinions on the question generally and their advice as to the best way of dealing with the question.

In July 1910 the local Governments were consulted regarding a number of minor proposals for the amendment of the Criminal Procedure Code which had been made to the Government of India from time to time, and in particular regarding a proposal, made by Sir H. Prinsep, that sections 195 and 476 should be amended so as to simplify the procedure in regard to cases of perjury and of forgery when committed with reference to proceedings in courts and to strengthen the hands of the judiciary in dealing with such cases. They were at the same time invited, as it appeared to Lord Minto's Government that the time had almost come for a complete revision of the Code, to put forward further suggestions for its amendment, if they desired to do so^c.

2. Uday Patni, a prisoner in the Sylhet Jail under sentence of death,
 Petitions for mercy. appealed for mercy to the Government

of India after a similar petition had been rejected by the Lieutenant-Governor of Eastern Bengal and Assam. The local Government, on the 15th May 1906, forwarded the records of the case for the orders of the Government of India, together with a copy of the Lieutenant-Governor's order rejecting the petition addressed to him. The local Government's letter did not reach the Government of India till the 21st May 1906, some hours after the execution, which was fixed for that date, had actually taken place. The detailed examination of the case that was afterwards made showed that, though there was no doubt that the Government

(a) Desp. no. 40 (Judl.), d. Sep. 8, 1909.

(c) H. D. cir. nos. 1029-30, d. July 23, 1910.

(b) H. D. cir. nos. 910-19, d. June 22, 1910.

of India would not have interfered with the sentence passed upon the convict, the manner in which his final petition for mercy was dealt with by the local Government was irregular in several respects. A full report regarding the case, which excited much public interest, was made to the Secretary of State^a. He was informed at the same time that the Government of India had under their consideration the best method of revising the rules relating to the postponement of executions and to the disposal of petitions for mercy from condemned prisoners. In April 1907 local Governments and Administrations were asked to report the exact procedure followed in dealing with petitions for mercy addressed to the Governor-General in Council by convicts under sentence of death, and what arrangements, if any, they made to obtain the records of cases on receipt of such petitions^b. After considering their replies the Government of India again addressed them on the subject in October^c 1907. They observed that the procedure followed in the different provinces varied considerably, especially with regard to the period for which executions were stayed under the orders either of the jail superintendent or the local Government. It was in their opinion in the highest degree inhumane to postpone longer than was absolutely necessary the execution of a condemned prisoner, and to grant reprieves when there could be no doubt that the law would eventually have to take its course. They therefore proposed to revise the procedure so as to reduce as far as possible the period for which execution was stayed pending the receipt of orders upon petitions addressed to the local Government or to the Governor General in Council. They referred to the orders contained in the Home Department Resolution no. 20-Judicial, 1403-13, dated the 14th October 1885, which authorised local Governments to dispose on their own responsibility of petitions for mercy addressed to the Governor-General in Council if, and only if, the petition could not reach him and be considered by him before the date fixed for the execution, and did not set forth any considerations suggesting a doubt on the merits of the case. They saw no reason to depart from these principles, but they observed that in some provinces a practice prevailed of postponing execution as a matter of course for a considerable period after receipt of the orders of the local Government rejecting a petition addressed to it, in order to allow the convict plenty of time to submit a further petition to the Government of India and have it fully considered by them. They remarked that in the majority of cases it was practically certain that the Government of India would take the same view of the case as the local Government and that the submission of the second petition in such cases served no useful purpose but merely raised in the petitioner's mind hopes that were doomed to disappointment. They considered that the defects of the present system were due not to the principles laid down in the resolution of 1885, but to the rules framed by the local Governments relating to the duties of jail superintendents in such cases. They therefore circulated for opinion a set of revised rules which they had drafted. They at the same time, in order to minimise the delay connected with the consideration of petitions for mercy, directed that in all provinces the records of the case as prepared for the use of the High Court, together with its orders thereon, should be obtained, as soon as a death sentence was confirmed, without waiting for the receipt of a petition for mercy.

(a) Desp. no. 18, d. Sep. 20, 1906.

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(b) H. D. letter no. 477-86, d. Apl. 17, 1907.

(c) H. D. letter no. 1581-40, d. Oct. 7, 1907.

After considering the replies received from local Governments Lord Minto's Government decided that it was unnecessary to insist upon uniformity of procedure in respect of these petitions. They, therefore, modified in various respects the draft rules which they had framed in 1907 and, in forwarding them to local Governments, remarked that they did not intend to prescribe them for universal adoption but wished them to be regarded merely as an indication of the procedure which had been considered by the majority of those consulted as generally suitable. The only rule which they regarded it essential to prescribe for adoption in all provinces was the rule providing that, when a convict, whose petition to the local Government had already been rejected, submitted a further petition for mercy addressed to the Governor General in Council or to the King Emperor, the superintendent should forward it at once to the local Government and should at the same time telegraph the substance of the petition and the date fixed for the execution but should not postpone execution further unless specially ordered by the local Government to do so. The Government of India considered this rule necessary to reduce the number of fruitless petitions which were submitted to them and the unnecessary reprieves to which they gave rise. The object of the rule was to place all condemned prisoners, in whatever jail they might be confined, upon a footing of equality as regards their opportunities for submitting petitions to the Governor General in Council. The provision that the superintendent must in every case telegraph the substance of the petition to the local Government was intended to enable the latter to decide at once whether the petition contained any new matter or whether there were any circumstances likely to lead the Governor General in Council to take a different view of the case from that taken by the local Government, and whether it was necessary to postpone the date of execution in order to enable the petition to reach the Governor General in Council in time to be considered^a.

3. The amendment of the law relating to whipping is referred to in the chapter on legislation. In April 1909 Lord Minto's Government consulted local Governments and Administrations and the Calcutta High Court regarding the offences punishable under laws other than the Indian Penal Code which it was desirable to notify under section 5 (b) of the Whipping Act, 1909 (IV of 1909), as offences for the abetment or commission of, or the attempt to commit, which juvenile offenders might be punished with whipping in lieu of any other punishments, to which they might be liable. They remarked that the Secretary of State had ruled that no offence of a political character should be notified under this section, and suggested that offences should not be included in the list to be submitted if juveniles convicted of them would ordinarily be punished with fine only^b. After considering the replies received the Government of India notified a list of offences under section 5 (b) of the Whipping Act in March 1910^c.

4. In 1899 Lord George Hamilton forwarded to the Government of India a memorial signed by ten gentlemen, seven of whom had held high judicial office in India, on the subject of the separation of judicial and executive duties, in which the memorialists asked that a scheme might be prepared for the complete separation of judicial and executive functions. They based their condemnation of the present system to a great extent upon articles which had appeared in *India*

(a) H. D. letter nos. 916-925, d. June 30, 1909.

(c) H. D. notifn. no. 350, d. Mar. 8, 1910.

(b) H. D. cir. nos. 514-24, d. Apl. 8, 1909.

and *The Asiatic Quarterly Review*, and upon notes illustrating its alleged evils which were compiled by the late Mr. Manomohan Ghosh, a Barrister in large criminal practice, and they expressed approval of a scheme published in *India* in August 1893 by the late Mr. R. C. Dutt, C.I.E., which purported to separate the executive and judicial services in Bengal "without materially adding to the cost of administration." The memorial was referred to local Governments and the High and Chief Courts and Judicial Commissioners in March 1900. The local Governments were requested to examine the matter on the broad ground of general administrative expediency, as well as on the narrow basis of immediate practicability, financial or otherwise. It was pointed out that in many provinces separation had already been carried to a considerable extent, especially in the higher grades; and that in some the change was sufficiently recent to allow of an estimate being formed of its results, and it was suggested that some further advance on the same lines might be possible and expedient, if complete separation were not. It was explained that what was wanted was a few weighty opinions from reliable and experienced officers who were competent to judge of the questions that had been raised. The highest judicial officers, whether High or Chief Courts or Judicial Commissioners, were in all cases to be consulted, as well as those having executive experience. The opinions were to be accompanied by a definite statement of all the cases of abuse which had come to notice during the preceding five years, with an abstract showing, as far as possible from the judgments delivered, in what respect abuse or miscarriage of justice had arisen in each case from the operation of the present system. Attention was specially invited to Mr. Dutt's scheme of separation, and the Government of Bengal was requested to scrutinise carefully the contention that it would involve no additional expenditure, and, if the scrutiny showed that additional expenditure would be necessary, to prepare as close an estimate as could be made of the annual cost involved in adopting the scheme.

The replies received to this reference disclosed a preponderance of opinion, most marked on the part of executive officers and less certain on the part of judicial officers, against the application of the abstract principle of separation and in favour of maintaining the existing system without material alteration. It was pointed out that the illustrative cases cited in support of separation extended over a period of 18 years; that where any act of grave injustice was charged, the High Court or the local Government had supplied the appropriate remedy; that the cases of abuse were few in number and bore an infinitesimal proportion to the volume of judicial work; that many of them would have been liable to occur even under a system of separated functions; and that some of the acts complained of had since been rendered impossible by the amended Code of Criminal Procedure. A close examination of the memorial showed that it had been composed without due regard to accuracy and fairness, and that the strong expressions of which it made use were in marked contrast with the caution displayed by the most eminent of the memorialists when they were writing on their own account. Finally, all the authorities consulted were impressed by the obvious defects of the constructive proposals put forward by the memorialists, which were shown by the Government of Bengal to be likely to cost over 15 lakhs a year in that province alone.

Lord Minto's Government did not fail to attach their fullest weight to the considerations in favour of the existing system which had been put forward so strongly and by so many authorities, both judicial and executive. They decided, however, that there were defects in the existing system, residing mainly in the

control exercised over the subordinate magistracy by the executive officer who is responsible for the peace of the district, and they admitted that a combination of functions which was contrary to the western ideals on which the lawyers in this country were trained must tend to inspire, at least in the more advanced provinces, a distrust of the magistracy in those who had business in the courts. They thought it possible, as objectors urged, that there was still less faith reposed in the civil courts which were free from all suspicion of executive influence—a want of confidence due perhaps to the opposite tendency which they evinced of placing sole reliance on abstract principles of law divorced from an intimate knowledge of or sympathy with the people—and they were aware of the danger that this tendency might arise in the case of a magistracy which was independent of the district officer's control. After anxious consideration of both points of view, however, they finally decided that it was their duty to devise, if possible, a scheme which would meet the more serious of the objections taken to the existing system, and to advance cautiously and tentatively towards the separation of judicial and executive functions in those parts of India where the local conditions rendered that change possible and appropriate. The cry for separation had come chiefly from Bengal, and it appeared to them that the need for a separation of police and magisterial functions was more pressing in the two Bengals than elsewhere. One cause might be found in the intellectual character of the Bengali, another in the absence of a revenue system which in other provinces brought executive officers into closer touch with the people, another in the fact that there was no machinery except the police to perform duties that were done elsewhere by the better class of revenue officer, and another in the fact that there were more lawyers in Bengal than elsewhere. Whether or not these were the real causes, the general belief was that the defects of a joinder of functions were most prominent in the Bengals, and it was on those grounds that the Government of India came to the conclusion that when a suitable scheme of separation could be devised, a start should be made in those two provinces.

Lord Minto's Government, in March 1908, were disposed to think that a possible solution of the difficulty might be found in the following tentative scheme of separation :—

- (1) Judicial and executive functions to be entirely separated to the extent that an officer who is deputed to executive work shall do no judicial work and *vice versa*, except during the short period when he is preparing for departmental examinations.
- (2) Officers of the Indian Civil Service to choose after a fixed number of years' service whether their future career is to be judicial or executive, and thereafter to be employed solely on the career to which they have been allotted. The allotment to depend on choice modified by actuarial considerations.
- (3) Officers of the executive branch of the provincial civil service, and, if possible, members of the subordinate civil service, to be subject to the same conditions as in (2), though the period after which choice is to be exercised may be different.
- (4) During the period antecedent to the choice of career, officers of both services to be gazetted by local Governments to commissioners' divisions, and to be deputed to executive or judicial duties under head (1) by the commissioner's order.

- (5) During this period deputation from executive to judicial or *vice versa* to be made at intervals not longer than two years.
- (6) High Courts to be consulted freely on questions of transfer and promotion of all officers who have been permanently allotted to the judicial branch.
- (7) Two superior officers to be stationed at the head-quarters of each district, the *district officer* and the *senior magistrate*.
- (8) The *district officer* to be the executive head of the district, to exercise the revenue functions of the collector and the preventive magisterial powers now vested in the district magistrate, to have control over the police, and to discharge all miscellaneous executive duties of whatever kind.
- (9) The magisterial judicial business of the district to be under a *senior magistrate* who should be an officer who has selected the judicial line, either a civilian or a deputy magistrate of experience. He should be the head of the magistracy and his duties would be (1) to try important criminal cases, (2) to hear appeals from 2nd and 3rd class magistrates, (3) to perform criminal revision work and (4) to inspect magistrates' courts. In districts where these duties do not give him a full day's work, he might be appointed an additional district judge and employed in civil work and in inspecting civil courts. If, where the senior magistrate is a deputy magistrate, it is considered inexpedient on account of his lack of experience to give him civil work, he might be appointed assistant sessions judge. In this capacity he would give relief to the district and sessions judge by trying such sessions cases as might be made over to him.
- (10) At head-quarters of districts, where there are at present civilians, deputy collectors and sub-deputy collectors, a certain number to be deputed to executive and the remainder to judicial work.
- (11) Sub-divisional boundaries might be re-arranged, and each district divided into judicial sub-divisions and executive sub-districts, the boundaries of which need not be coterminous. The area of a judicial sub-division to be such as to give the judicial officer in charge a full day's work, and similarly with executive sub-districts. Boundaries to be arranged so as to disturb existing conditions as little as possible.
- (12) The staff would similarly be divided into (a) executive officers, *viz.*, the district officer, a certain number of civilians, deputy collectors and sub-deputy collectors at head-quarters, a civilian or deputy collector in each sub-district, and (b) judicial officers, *viz.*, the senior magistrate, a certain number of civilians, deputy magistrates and sub-deputy magistrates at head-quarters, a civilian or deputy magistrate in each sub-division.
- (13) The district officer to be empowered as a district magistrate, and certain other executive officers to be empowered as first class magistrates, solely for the performance of the preventive functions of Chapters VIII (omitting section 106) to XII of the Code of Criminal Procedure.
- (14) When it should appear to the district officer that the presence of a magistrate is required at any place other than the head-quarters of a magistrate for the purpose of a local enquiry or trial, he

might request the senior magistrate to depute a magistrate accordingly, and the senior magistrate should be bound to comply with such requisition.

- (15) The scheme to be brought into operation by an Act of the legislature providing that, in districts to which it might by notification be applied, certain provisions of various Acts should be read subject to certain modifications.

The general principle underlying the scheme was that the trial of offences and the control of the magistrates who try them should never devolve on officers who had any connection with the police or with executive duties, while on the other hand the prevention of crime should be a function of the district officers and his executive subordinates who were responsible for the preservation of the peace of the district. The scheme represented a large concession to the views of a certain section of educated Indian opinion, a concession which could only be made if it was accompanied by the most ample security for the preservation of the public peace and for the maintenance of the authority of the district officer. The Government of India believed, however, that the proposals complied with these essential conditions, that they were not likely to weaken the power and influence of the district officer, and that, by relieving him of functions, some of which he rarely exercised while others were comparatively unimportant, they would materially strengthen his position as the responsible representative of the Government.

These proposals were referred to the Governments of Bengal and Eastern Bengal and Assam and to the Calcutta High Court for opinion and were also made public in a speech by Sir Harvey Adamson, the then Home Member, at a meeting of the Legislative Council. In his speech Sir Harvey Adamson took the precaution of making it clear that the scheme did not represent a final expression of the Government of India's decision, but that it was merely a tentative suggestion thrown out for criticism with the idea of affording assistance in the determination of the problem.

Sir Andrew Fraser, the late Lieutenant-Governor of Bengal, was strongly opposed to the scheme and, though his successor was in favour of the principle of separation, he objected to the introduction of special means to effect it at the moment, mainly on the ground that in the existing social and political conditions it was unwise to adopt a measure which would, in the opinion of a very large number of people, weaken the hands of Government and impair the authority of the district officer, and which might alienate the attachment of classes friendly to British rule. He also pointed out that the enlargement of the Legislative Councils and the decision that an Executive Council was to be established in Bengal were regarded by an influential section of the public as calculated to detract from the vigour and energy of the Executive Government and to import a want of promptitude and efficiency into its action in dealing with offences against the State. He therefore thought that it would be wise to defer a radical change in the judicial system until the new legislative arrangements had justified themselves, and in support of this conclusion he added that the provincial revenues could not sustain any part of the cost of the scheme, which, if introduced in only five districts in the province, was estimated to cause an annual expenditure of Rs. 1,50,000, in addition to an initial outlay of Rs. 1,50,000. Sir Lancelot Hare was averse from introducing at once any scheme which would involve a violent departure from existing conditions, principally on the grounds that it was very desirable that the question should be discussed fully in the

enlarged Councils, that it was inexpedient to make an important change in the judicial system until some progress had been made in the direction of decentralization, and that the introduction of the proposed measures in two districts alone would cost no less than Rs. 2,08,000 a year, in addition to an initial outlay of Rs. 2,92,000, sums which could not be expended without checking the development of the province in a manner which would be very undesirable. Further, he pointed out that an approach to the separation of functions had already been made in the larger districts of the province by the appointment of additional district magistrates and by an increase in the number of outlying judicial centres in the mufassal, that in the ordinary course of events this process must continue, and that by this means not only was the principle recognised which it was desired to establish, but that it was being gradually carried into practice in a manner which involved the least possible dislocation of traditions and of the existing district organisation. This same process was taking place in Bengal, and if pushed to its logical development the Government of India were inclined to the belief that it might afford a solution of this thorny question.

In July 1910 the Government of India addressed the Secretary of State on the subject and recounted the history of their examination of the question. They remarked that they had no doubt that effect would eventually be given to the principle of the separation of judicial and executive functions in the more advanced provinces, but that for the present a postponement of any radical and expensive change such as that outlined above was unavoidable. On political grounds it seemed out of the question for them at the moment to proceed with a scheme which would be regarded by influential sections of opinion as calculated to weaken the power of the district officer and thereby to detract from the authority of the Government. Moreover, as the Lieutenant-Governor of Eastern Bengal and Assam had observed, an important administrative change of the nature contemplated was one on which the enlarged Councils might be expected to express an opinion. Even among the professional middle class, which lent to the proposal its chief support, some might hesitate to press for it strongly as soon as they realised what it was likely to cost. Such persons would, it was probable, appreciate the fact that the real issue was not whether separation was desirable in itself, but whether it was so desirable as to take precedence of the improvement of all forms of primary education, of measures to restrict malaria, of general sanitary reforms, of extending the resources of local self-governing bodies, and of many other proposals of a popular nature which were being pressed upon the attention of Government. The estimates given by the local Governments of the cost of introducing the change proposed into a very limited portion of two provinces were sufficient to indicate what a very heavy expenditure would be required if it were brought into force universally. The Government of India therefore, while they thought it was possible that the problem might be solved by continuing the experiment of separation on the lines on which it was already being tried in both Bengals as funds were available and as circumstances demanded, were reluctantly impelled to the conclusion that it would be inadvisable both on political and financial grounds to attempt any more rapid rate of progress towards the goal which they set before themselves.

5. The consideration of the replies of local Governments to the reference which was made to them in 1903 regarding the sufficiency of the legal training of the younger members of the Indian

Scheme for the improvement of the legal training of the members of the judicial branch of the Indian Civil Service.

Civil Service was completed in 1906. The subject included two entirely

distinct questions, namely, (1) the general legal training of all civilians, and (2) the special legal training of those members of the service who elect for the judicial branch and become district and sessions judges; and the Government of India decided to deal with these questions separately. Lord Minto's Government came to the conclusion, after considering the letters of the local Governments, that the legal knowledge and training of civilian judges had remained stationary, if indeed they had not receded, of recent years and that the existing system of training did not meet the demands of the present day. They regarded this situation as constituting a grave political danger demanding the application of drastic remedies. They considered that the most promising solution of the difficulty was to be found in prescribing for judicial officers a compulsory course of training of such a character as not only to fit them for their duties, but to be recognized as conferring suitable qualifications. They were therefore of opinion that officers choosing the judicial line should be sent to England for a year to read in a barrister's chambers, the fees for their instruction being paid by Government. Their intention was that the officers so deputed should go into court with the barrister with whom they were reading and should assist him by way of preparation and suggestion in the actual conduct of cases. In order to secure that these officers should not waste their time while in England the Government of India proposed to require them to produce a certificate from the barrister with whom they worked that they had attended regularly at chambers and in court and had made good use of their opportunities. On production of such a certificate they considered that an officer should be given full pay for the year's deputation, but that if he failed to obtain a certificate he should only receive furlough pay, the period of his absence being counted as furlough. The Government of India also considered that the bifurcation between the executive and judicial lines should take place at an earlier stage of an officer's service than is the case at present. They accordingly proposed that officers should be allowed the option of exercising the right of election after the completion of four years' service, and that they should be required to elect in any case after the close of either the fifth or sixth year of service; that the election should be subject to the exercise on the part of the Government of a power of selection, and should be determined in the last resort by actuarial considerations tempered by considerations of seniority, and that once made it should be final. These proposals were referred for consideration to the Governments of Madras, Bombay, Bengal and Eastern Bengal and Assam, which are the provinces in which the necessity for raising the standard of civil judicial work is most pressing, and to which the Government of India considered it advisable to confine the operation of the scheme in the first instance. These local Governments were asked to furnish the Government of India with an expression of their opinion as to the arrangements which should be made in order to provide officers after return from a period of study in England with suitable judicial employment so as to give them experience of original civil work before they are appointed to be judges of appeal. The Secretary of State was at the same time asked to obtain full information regarding the systems in force in certain European countries and the United States of America for the selection and training of judicial officers.

Having considered the replies of the Governments of Madras, Bombay, Bengal, and Eastern Bengal and Assam, Lord Minto's Government addressed the Secretary of State in March 1908.^a The majority of the Government

(a) H. D. Desp. no. 9-Judl., d. March 26, 1908.

favoured the following scheme ; though Lord Minto, Lord Kitchener and Major-General Scott were willing to accept it only if an alternative scheme prepared by Lord Kitchener, and referred to below, was thought to be impracticable :—

- (1) that on the 1st January of each year those members of the Indian Civil Service who had completed four years' service in the preceding October or November should be called upon to choose whether for the rest of their career they would serve in the executive or the judicial branch of the service ; that their election should be subject to the exercise on the part of the Government of the power of selection on the ground of personal aptitude, and should be determined in the last resort by actuarial calculations tempered by considerations of seniority ; that the allotment of officers to one or the other branch of the service should be final, at any rate as regards appointments in the ordinary line of each branch of the service, and that transfers from one line to another should be absolutely prohibited ;
- (2) that officers allotted to the judicial branch should be sent to England for two years in order to receive a thorough training in law, being granted during this period their full Indian pay and a lodging allowance at the rate of 10s. a day ; that, in order that the officers might obtain an insight into the practical administration of law, part at least of the period of training should be spent in the chambers of barristers who had a substantial amount of court work ;
- (3) that on their return to India, these officers should be employed in trying original civil suits as subordinate judges and criminal cases as assistant sessions judges, and should receive pay at the rate of Rs. 1,200 a month.

It was expected that under this scheme officers deputed for training would be removed from executive work for approximately eight years in Madras, five years in Bombay and Bengal and four years in Eastern Bengal and Assam ; and that, to provide for the gaps thus created, an addition of 29 superior posts and as many inferior posts to the cadre of the Civil Service would be necessary. The cost of the scheme was roughly estimated at Rs. 6,58,500 a year.

The scheme proposed by Lord Kitchener was as follows :—

- (1) that the Indian Civil Service should be recruited as at present by an open competitive examination in subjects which form part of a liberal education ;
- (2) that the candidates selected by this test should be called upon immediately after election to choose either the executive or the judicial branch of the service ;
- (3) that candidates who chose the judicial branch should undergo a two years' course of legal training in England and should be required to pass a final examination in which legal subjects should preponderate ;
- (4) that on their arrival in India the members of the judicial branch should be employed for two years on executive duties, and having thus acquired the requisite administrative experience should thereafter be employed exclusively on judicial duties.

Broadly speaking, Lord Kitchener's view was that students at the Universities and others who desired to make law their profession, attracted by the permanent employment and salary offered in the Indian judicial service, would as soon as possible pass a preliminary competitive examination for entrance into the Indian Civil Service, and would then for two years continue their studies of law, and eventually pass, through a final examination in law, into the judicial service of India.

Sir Harvey Adamson and Mr. Miller dissented from both proposals and explained their views in separate minutes.

6. The Secretary of State having invited Lord Curzon's Government to consider whether the law of appeal in the Punjab should not be assimilated to that in force in the rest of India, the local Government was addressed on the subject in 1905. In July 1906 it forwarded a draft Bill, providing for the introduction in the Punjab of the law of appeal in force in the rest of India in respect of all classes of suits except those which involved questions of custom. In cases of this nature it proposed that the Chief Court should retain the power to enter into the facts on second appeal so far as might be necessary for the determination of the custom involved, unless or until some attempt was made to codify the customary law of the Punjab. The Chief Court, while recommending that the law should be amended in this manner, was opposed to any change being made until the subordinate judiciary of the province had been improved and strengthened. After careful consideration Lord Minto's Government requested the Punjab Government to submit, after consultation with the Chief Court, a definite scheme for the improvement of the judiciary. They also intimated that the proposed legislation should be deferred^a. In addition to this they addressed the Punjab Government regarding the question of the codification of customary law in the Punjab^b.

The Secretary of State, who was informed of the action taken^c, replied that he was unable to regard the reasons given for deferring the proposed legislation as sufficient. He also took exception to the proposal that second appeals should be continued, in cases involving questions of custom, for the purpose of having the existence or validity of the alleged custom determined, and suggested that it would be preferable and quite sufficient to provide for a second appeal on a question of custom apart from a point of law only in cases in which the lower appellate court certified that the alleged custom was of importance in a district and that the evidence regarding it was so conflicting that there was substantial doubt as to its existence or validity^d. The Government of India accordingly asked the Punjab Government to reconsider the question in the light of the Secretary of State's remarks and to submit a revised draft Bill for their consideration^e. The Secretary of State also expressed a doubt as to the expediency of undertaking the codification of the customary law, and asked that the matter might be considered further. Previous to the receipt of the Secretary of State's despatch, Lord Minto's Government had accepted the opinion of the Government of the Punjab that no steps towards codification should be taken for the present^f. They also decided on further consideration to accept the local Government's opinion that the valuation of land

(a) H. D. letter, no. 257, d. Mar. 8, 1907.
 (b) H. D. letter no. 182, d. Feb. 6, 1907.
 (c) H. D. desp. no. 7, d. Mar. 7, 1907.

(d) Desp. no. 70 (Judl.), d. Oct. 4, 1907.
 (e) H. D. letter no. 405, d. Apr. 16, 1908.
 (f) Punjab letter no. 334, d. Apr. 8, 1907.

should be doubled for purposes of jurisdiction and court-fees and asked it to include in the revised draft Bill a provision amending section 7 (v) (b) of the Court-fees Act, 1870 (Act VII of 1870), and to submit for their approval a draft amendment of the rules issued by the local Government under the Suits Valuation Act, 1887 (Act VII of 1887)^a.

The Government of the Punjab submitted a draft Bill in May 1909. It proposed to substitute for the special provisions regarding second appeals contained in the existing law the provisions of the Code of Civil Procedure, except in regard to second appeals on questions of custom. In regard to these, as the Judges of the Chief Court had taken exception to the proposal of the Secretary of State that second appeals should lie only if the lower Court gave a certificate authorising the appeal, it was provided that a second appeal as to the validity or non-validity of an alleged custom should lie to the Chief Court only if that Court was satisfied that the alleged custom was of sufficient importance and the evidence about it so conflicting or uncertain that there was substantial doubt as to its validity or existence. The Bill also provided for the repeal of the special provisions regarding revision contained in the Punjab Courts Act^b. The Government of India accepted the Bill with some small modifications and decided that sections 71 and 72 of the Punjab Courts Act should also be repealed, as they thought it inequitable that special rates of court-fee should be charged on applications for revision in the Punjab when the law in this respect was being assimilated to that in force in the rest of India. Lord Minto's Government at the same time informed the Lieutenant-Governor that they would reserve for further consideration a proposal he had made, in submitting the Bill, that the pecuniary limits of the power of divisional courts should be increased, on the ground that there had been a general rise in prices. They added that, until the question whether this could be permitted had been decided, they thought it undesirable to increase under the Suits Valuation Act, 1887 (VII of 1887), the valuation of land for the purpose of determining jurisdiction, as the result of such a change would be to force temporarily into the Chief Court a class of suits which would eventually be relegated to inferior tribunals if the pecuniary appellate jurisdiction of divisional courts was enhanced^c. In July 1910, they decided that it was inexpedient to proceed immediately with the question of increasing the pecuniary limits of the jurisdiction of divisional courts and of courts of similar status.^d

7. In July 1908 the Government of India passed orders on certain proposals to make the registration of partnerships

. Registration of partnerships.

in India compulsory. This question had

been under consideration at various times during the previous 40 years, but it had not been found possible to devise a measure suited to the peculiar conditions of business in India. Moreover the various Chambers of Commerce which were pressing for legislation on the subject were not in agreement in regard to the form which legislation should take. The draft bills submitted by the Bengal and Bombay Chambers in 1907, when the question was revived, differed from each other in several important respects, and were found to be defective in certain particulars. The two Chambers were accordingly informed that, while the Government of India were prepared to consider proposals for legislation, they could not be expected to move in the matter until the various representative commercial bodies were in closer agreement

(a) H. D. letter no. 465, d. Apr. 16, 1908.

(b) Punjab letter no. 538, d. May 24, 1909.

(c) H. D. letter no. 497, d. Apr. 1, 1910.

(d) H. D. letter no. 969, d. July 7, 1910.

as to their precise requirements and until it could be shown that the difficulties with which the matter was beset could be satisfactorily overcome. The attention of the Chambers was invited to the provisions of Order no. XXX appended to the Code of Civil Procedure, 1908, which seemed to the Government of India to meet in a substantial measure the needs of the commercial community, and it was suggested that it would be preferable that their effect should be watched before any special legislation on the subject was attempted^a. The two Chambers asked for a reconsideration of this decision on the ground, *inter alia*, that these provisions did not suffice for their purposes, but the Government of India declined to accede to their request^b.

8. In June 1909, the Lieutenant-Governor of the Punjab submitted a draft Bill for the establishment of *Panchayats* *panchayats* in the province. He proposed that these *panchayats*, the area of whose jurisdiction was to be a group of villages known as the *zail*, should in the first instance be empowered to dispose of petty civil cases, though he hoped that it might afterwards be found possible to give them petty criminal powers and to employ them for executive and miscellaneous purposes. Sir Louis Dane was aware that the question of the establishment of such *panchayats* had been very carefully considered in 1901 and that the majority of the Punjab officers at that time were opposed to any such project. He thought, however, that the opinions then given against the proposal were based mainly on *a priori* anticipations of the breakdown of any system of *panchayat* jurisdiction. Since then an experiment had been conducted in the Patiala State under the supervision of the Settlement Commissioner, the success of which was, he thought, sufficient to justify the extension of the experiment to British territory. Also, since 1901 there had grown up a considerable body of public opinion in favour of the *panchayat* system and the establishment of the *zail* organization would facilitate its introduction. He also invited attention to the remarks made on the subject of *panchayats* by the Royal Commission on Decentralization. He proposed that the scheme should be introduced as an experiment only and intended in the first place to restrict it to three or four districts. As it did not appear that the Judges of the Chief Court, the district officers and the non-official bodies and individuals who were likely to be interested had been consulted before this proposal was made, the Government of India asked the Punjab Government to circulate its draft Bill for opinion and to forward a statement of the opinions received with any remarks which it wished to make upon them^c. At the same time they asked the Government of the United Provinces whether it could suggest any alterations in the provisions of the Bill in view of its experience of the United Provinces Village Courts Act, 1892 (United Provinces Act III of 1892), on which the Bill was based^d.

In August 1909, the Chief Commissioner of Coorg submitted a draft of a Regulation to provide for conferring petty criminal powers on heads of villages and *panchayats* in that province. The Government of India replied in February 1910 that they proposed, before dealing with his recommendations, to await the replies of local Governments to a reference which was being made to them regarding chapter XVIII of the Report of the Royal Commission upon Decentralization in India. They thought it desirable that if any legislation on this

(a) H. D. letters nos. 886-887, d. July 6, 1903.
(b) H. D. letters nos. 88-84, d. Jan'y. 6, 1909.

(c) H. D. letter no. 1525, d. Nov. 6, 1908.
(d) H. D. letter no. 1524, d. Nov. 6, 1908.

subject was to be undertaken in different parts of India it should, as far as possible, be drawn up on uniform lines^a.

9. In June 1908 Lord Minto's Government rejected a proposal submitted by the Government of Burma to make better provision for the sale of food and drugs in a pure state in that province. They considered that the legislation proposed was too advanced for the requirements of Burma, and that, in the

Proposal to regulate the sale of food and drugs in Burma.

absence of a proper staff of trained and independent analysts, it might, if enacted, tend to become an engine of oppression, and might lead to an undue interference with trade. They suggested that, if the Lieutenant-Governor was still disposed to think that some restrictive legislation to regulate the sale of adulterated food was required in Burma, he should, before proposing a revised draft Bill, consult the Bombay Government as to the practical working of the Bombay Prevention of Adulteration Act, 1899^b. In October 1909 the Government of Burma, after consulting the Government of Bombay, forwarded a revised draft Bill. The Government of India were unable to accept it as they were not satisfied that adequate machinery for its effective working could be provided. The legislation suggested presupposed the existence of a sufficient number of trained analysts working in properly equipped laboratories, and, as many of the questions to be referred to the public analysts under the Bill were distinctly difficult, it was important that only men whose opinions would be likely to command the respect of the courts should be appointed, as otherwise unsuccessful, and possibly unjustifiable, prosecutions might be undertaken. The Government of India, therefore, asked the Government of Burma for full information regarding the qualifications which the proposed public analysts were to possess; the number of qualified persons likely to be available in the different parts of Burma; the manner in which they were to be remunerated and the cost, if any, to the State of their appointment. They remarked that while a law of this description might possibly be enforced in Rangoon, it seemed to them improbable that adequate arrangements for carrying out its provisions could be made elsewhere in Burma, and added that when the proposal was resubmitted they would be glad to receive an account of any specific abuses which had led the Lieutenant-Governor to propose legislation of so advanced a character^c.

10. The question of extending the jurisdiction of the Madras City Court, which had at various times formed the subject of much discussion, came again under consideration in 1905 when the Secretary of State suggested that its jurisdiction might be enlarged. While it was clear that the Court had won the confidence and respect of the classes whose cases were tried there, the suggestion had

nevertheless invariably met with opposition particularly on the part of the Europeans

Madras City Court.

and mercantile communities in Madras. On this occasion the views of the public were not directly ascertained, but the Judges of the High Court, who were consulted, strongly disapproved of any enlargement of the City Court's jurisdiction, which they said would be inconsistent with the purpose for which that court was instituted, namely, as an auxiliary tribunal to relieve them of such petty cases as they did not think it desirable to call up for trial before themselves. The Madras Government expressed their entire agreement with the judges' view and, accepting this opinion, Lord Minto's Government were

(a) H. D. letter no. 164, d. Feb. 5, 1910.

(b) H. D. letter no. 788, d. June 9, 1908.

(c) H. D. letter no. 1856, d. Dec. 24, 1909.

unable to recommend any enlargement of the City Court's jurisdiction. The Secretary of State agreed that the proposal should not be pursued further at the time, but asked that the matter should not be entirely lost sight of.

11. In January 1906, the Hon'ble Mr. Justice Pratt of the High Court, Calcutta, applied for an extension of service for any period not exceeding one year from the date on which he reached the age of sixty years. The Government of India were unable to support this application, and the Secretary of State rejected it in April 1906^a. In

Conditions of judicial service.

1909, however, he authorised the Government of India to give Mr. Justice Davar of the Bombay High Court an assurance that if he continued to be fit for service he would be allowed to retain his office after the age of 60 until he had earned the full pension admissible under rule to High Court Judges^b. This concession was allowed only because it was shown that Mr. Davar would not have accepted a Judgeship if the Government of Bombay had not assured him, at the time of his appointment, that the age rule was not always strictly enforced^c.

Mr. Justice Pratt, when he found that the 60 years' rule was to be enforced in his case, requested that he might be granted an enhanced pension in respect of his service in the High Court. His request was supported by the Chief Justice and Judges, who asked at the same time for a general rule to the effect that all judges who had to retire under the 60 years' rule before completing the full period of service required for pension, namely, 11½ years, should be allowed a portion of the full pension of £1,200 a year in proportion to the period of their service in the Court. The High Court's proposal led the Government of India to review the course of policy which had been pursued during the last 20 years in respect of the service for pension of High Court Judges. They came to the conclusion that the pension rules as they stood had ceased to offer any attractions to civilian candidates since the introduction of the 60 years' rule and that they would offer no appreciable attraction in the future. They accordingly recommended to the Secretary of State the introduction of a system of intermediate pensions which, while maintaining the rule of retirement at the age of 60 years, would offer some increase in the Civil Service annuity to civilian Judges who had to retire before completing the full service for pension. They proposed to apply the new scale, if it was accepted, to Mr. Pratt's case^d. The Secretary of State, however, thought it unnecessary that civilian Judges of the High Courts should receive a higher pension than that open to Lieutenant-Governors and Members of the Executive Councils. He was therefore unwilling to re-open the settlement arrived at in 1899, and to introduce again the system of graduated pensions which was in that year deliberately, and after very full consideration, abandoned.^e

The Chief Court, Punjab, in June 1900, proposed that civilian Judges of Chief Courts should be exempted from the operation of the rule in article 555, Civil Service Regulations, which prohibits the grant of leave other than privilege leave to an officer who has completed 35 years' service. It urged that if these officers were not so exempted the value of the concession by which all Judges of High Courts and Chief Courts were permitted to retain their appointments until they are sixty years of age would, in the case of Chief Court Judges who were not barristers, be to a great extent nullified. The

(a) Desp. no. 18 (Judl.), d. Apl. 6, 1906.

(b) Desp. no. 19 (Judl.), d. Apl. 30, 1909.

(c) Des. no. 75 (Judl.), d. Nov. 16, 1906.

(d) Desp. no. 62, d. March 11, 1909.

(e) Desp. no. 337 (Judl.), d. Sept. 20, 1906.

proposal was supported by the Government of India and sanctioned by the Secretary of State^a.

With the object of enabling munsifs to earn a higher pension than they could earn under existing conditions without the grant of one or more extensions of service, the Government of Bengal recommended that these officers should be allowed to count as service qualifying for pension the periods, whether continuous or not, during which they hold acting appointments before being confirmed. The Secretary of State, when the Government of India recommended this proposal^b for his sanction, inquired whether the circumstances in other provinces were similar and whether it would be desirable to apply to other judicial services a rule similar to that proposed for Bengal^c. Lord Minto's Government then consulted^d the other local Governments and Administrations, and, after considering their replies, recommended to the Secretary of State^e the extension to munsifs in all provinces of the concession originally proposed for munsifs in Bengal. Lord Morley sanctioned this proposal in January 1909^f.

In May 1907, the Government of India, on a representation made by the Calcutta High Court, recommended to the Secretary of State that the rule which applies to district and sessions judges should be made applicable to Judges of the High Court, namely, that they should be allowed to combine vacation on full pay with leave (either at the beginning or end thereof) when this could be arranged for without additional expenditure^g. They supported the proposal on the ground that this concession was already allowed to certain other officers who enjoyed vacations, that the existing rule caused irritation and could be evaded by any Judge who cared to do so, that the concession would result in a saving to Government as they would have to pay only the full salary of the absent judge, whereas under the existing rule they have to pay the full salary of the acting judge *plus* the leave allowance of the absent judge, and that to grant it would be in accordance with the general policy of rendering the judicial service more attractive. In a subsequent despatch they dealt with the case of judges of Chief Courts.^h They pointed out that the orders passed on their despatch of 30th May 1907 would apply to barrister Judges of the Chief Courts, as their leave and leave allowances were regulated by the statutory rules to which High Court Judges are subject, and also to Judges of Chief Courts who were pleaders, if the recommendation, made in June 1907, that these officers should be admitted to the privileges enjoyed by their barrister colleagues under article 548 (a) and (b) of the Civil Service Regulations, was accepted, but that special orders were necessary in regard to civilian Chief Court Judges. The Secretary of State sanctioned all these proposals on the distinct understanding that there was never to be an acting appointment during the vacation in the place of a judge who was drawing full payⁱ. In 1909 it was made clear that a Judge is not permitted to combine more than one vacation on full pay with leave, and that where, as in the case of the Bombay High Court, the long vacation is divided into two separate periods, a Judge may combine the spring and autumn vacations of any one year on full pay with leave for the intervening period, and also either part of the annual long vacation with leave.

(a) { F. D. desp. no. 220, d. June 21, 1906.
Tel. d. Aug. 8, 1906.

(b) F. D. desp. no. 317, d. August 22, 1907.

(c) Desp. no. 74 (Judl.), dated Nov. 1, 1907.

(d) H. D. letter nos. 1821-29, d. December 20, 1907.

(e) Desp. no. 56 (Judl.), d. August 23, 1907, no. 40 (Judl.), d. July 12, 1907, and no. 55 (Judl.), d. August 23, 1907.

(f) F. D. desp. no. 846, d. Decr. 10, 1908.

(g) Desp. no. 5 (Judl.), d. Jan. 22, 1909.

(h) F. D. Desp. no. 188, d. May 30, 1907.

(i) F. D. Desp. no. 249, d. July 11, 1907.

In May 1908 the Government of India recommended for the sanction of the Secretary of State a proposal made by the Government of Bombay that the Judicial Commissioner and Additional Judicial Commissioners of Sind should be permitted to combine privilege leave with vacation once in three years. They pointed out that the barrister Additional Judicial Commissioner already enjoyed this concession, and that the effect of the proposal would be to place the Judicial Commissioner and the civilian Additional Judicial Commissioner on the same footing in this respect.^a The Secretary of State having asked^b whether the proposed rule, if sanctioned, should not also apply to the Judicial Commissioners of Oudh and the Central Provinces who, if civilians, are situated in regard to privilege leave similarly to the civilian Judges of the Sind Court, the Government of India addressed the Government of the United Provinces and the Chief Commissioner of the Central Provinces on the subject. After receiving their replies Lord Minto's Government re-examined the question and proposed to the Secretary of State that the rules regarding the combination of privilege leave with other leave which apply to district judges should be extended to Judicial and Additional Judicial Commissioners, provided that the annual vacation of the Courts in which they were employed was restricted to one month and that the Courts consisted of not less than three Judges.^c The Secretary of State sanctioned this proposal on the understanding that it would not be brought into force until the Judicial Commissioner's Courts in the Central Provinces and in Sind, as well as the Court in Oudh, had agreed to restrict their vacation to six weeks^d.

In February 1909 the Government of India addressed the Chief Commissioner of the Central Provinces with reference to the pension admissible to an officer, not being a member of the Indian Civil Service, or a military officer of the Commission or a statutory civilian, who retired after holding the post of Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces. They pointed out that the maximum pension admissible to such an officer was limited by article 474 of the Civil Service Regulations to Rs. 416 $\frac{2}{3}$ a month, and asked the Chief Commissioner whether he considered this scale of pension suitable, and, if not, what scale he would propose. They suggested that it would be equitable to make a barrister member of the Judicial Commissioner's Court eligible, under article 549 of the Civil Service Regulations, for a retiring pension of £750 a year after an active service of 11 $\frac{1}{2}$ years and for a pension of £375 a year if he retired on medical certificate after 6 $\frac{3}{4}$ years' active service, provided that he was required to retire at 60 years of age. They also asked whether it would not be necessary, if this proposal was accepted by the Secretary of State, to treat specially the case of Mr. Stanyon, the present barrister member of the Court, as it was not clear whether he would be able to complete 11 $\frac{1}{2}$ years' active service in the Court before he attained the age of 60.^e After receiving the Chief Commissioner's reply Lord Minto's Government recommended to the Secretary of State that the rule referred to should be applied to barrister members of the Judicial Commissioner's Court, and that Mr. Stanyon should be specially permitted, to enable him to earn the full pension of £750 a year before his age should exceed 60 years, to count towards it his previous service, whether acting or substantive, as Judicial Commissioner of Berar and as an Additional Judicial Commissioner of the Central Provinces.^f The Secretary of State

(a) F. D. desp. no. 148, d. May 1, 1908.

(b) Desp. no. 86 (Finl.), d. July 10, 1908.

(c) F. D. desp. no. 41, d. Feby. 17, 1910.

(d) Desp. no. 50 (Finl.), d. Apr. 22, 1910.

(e) H. D. letter no. 188, d. Feb. 6, 1909.

(f) F. D. Desp. no. 121, d. June 3, 1909.

sanctioned this proposal in August 1909^a. In the following year he was asked to agree to the extension to barrister members of this Court of the special rules regarding leave contained in Chapter XXIV of the Civil Service Regulations.

In March 1909, the Government of India negatived a proposal made by the Government of Burma that a Judge of the Chief Court who had previously been first judge of a Presidency Small Cause Court should be allowed to count three-fourths of his service in the latter appointment towards the pension of £1,000 a year admissible to a Chief Court Judge, but accepted an alternative suggestion that, in such a case, an officer who failed to complete 11½ years' active service in either appointment, should be allowed to count his active service in the Chief Court towards the pension of £750 a year admissible to the first judge of a Presidency Small Cause Court^b.

In July 1909 Lord Minto's Government proposed that divisional judges of the first grade in Burma who belonged to what was formerly known as the uncovenanted civil service should be eligible on retirement for the additional pension of Rs. 1,000 a year admissible to certain officers under Article 475 of the Civil Service Regulations. They represented that the appointment of first grade Divisional Judge in Burma was in respect both of pay and responsibility superior to many of the appointments already included in that article, and that the Secretary of State had already accepted the principle that the pay and prospects of these officers ought not to be inferior to those of Commissioners of Divisions in the province^c. Lord Morley sanctioned this proposal in August 1909.^d

In July 1909 Lord Minto's Government recommended to the Secretary of State that Sir Bipin Krishna Bose, Government Advocate, Central Provinces, who had been appointed to act as an Additional Judicial Commissioner of those provinces should be permitted to draw an acting allowance calculated on the full pay of the appointment instead of on 64 per cent of the full pay as provided in article 63 of the Civil Service Regulations. They also asked that they might be given a general authority to sanction the grant of full pay, or acting allowances calculated on the full pay, to natives of India appointed in future to be or to officiate as Judicial Commissioners or Additional Judicial Commissioners^e. The Secretary of State accepted these proposals.^f

12. In 1905 the Government of India communicated to the Calcutta High Court certain proposals made by the Secretary of State for expediting the disposal of work in the Court^g. They suggested that all criminal and appellate work should go for final disposal to a single Judge in the first instance, except in certain specified cases, and that all applications and appeals against orders in civil cases might also reasonably be left to a single Judge. The High Court was averse from any extensive delegation of criminal work to a single Judge, as contemplated, as it thought that such a step would not be regarded favourably by the general public. As regards the extension of a single Judge's powers in civil business, it was of opinion that the time which might be saved by the delegation of applications for disposal to a single Judge would hardly be appreciable, since as a rule such applications were very quickly disposed of. It accepted, however, another suggestion and framed rules to provide for the disposal of certain classes of work by the Master on the Original Side of the Court. The Secretary of State, when these rules were communicated to him in

(a) Telegram d. Aug. 4, 1909.

(b) H. D. letter no. 396, d. Mar. 15, 1909.

(c) F. D. Desp. no. 155, d. July 1, 1909.

(g) H. D. letter no. 892, d. June 14, 1905.

(d) Desp. no. 38 (Judl.), d. Aug. 27, 1909.

(e) F. D. Desp. no. 186, d. July 29, 1909.

(f) Desp. no. 48 (Judl.), d. Sept. 10, 1909.

June 1906^a, enquired whether the services of the Master and Official Referee on the Original Side could not be utilized for the performance of some of the quasi-judicial duties now delegated to a single Judge, and whether, if that officer was already fully occupied, the appointment of another professional lawyer as Master for the Appellate Side and the delegation of the duties referred to above was considered desirable. The Judges stated with reference to this that the time of the Master and Official Referee on the Original Side was fully occupied, and that they did not consider the appointment of a similar officer on the Appellate Side necessary because (1) the practice on that side in regard to the disposal of references was different from that on the Original Side ; and (2) that the greater part of the work assigned to a single Judge was not such as could properly be delegated to a Master, and that the delegation of the remainder would afford practically no relief to the Court. The Secretary of State was informed and the question was dropped.

In 1906 the Government of Bengal suggested the appointment as a permanent arrangement of an additional judge to the Calcutta High Court during the cold weather months of each year in order to enable the Court to depute one of the senior judges for the purpose of inspecting the principal courts situated at the head-quarters of districts^b. The Government of India, while agreeing that regular and systematic inspection of the district courts was most desirable, were unable to sanction the proposal. They held that the duty of inspection ought to be performed by the regular staff of judges as part of their ordinary functions, and that the appointment of an additional judge would be justified only if the state of work in the High Court was such that the services of a judge could not be spared without procuring the assistance of a substitute. They accordingly proposed to consider the question on its merits on each occasion when the question of undertaking such inspections arose^c. The Judges of the Calcutta High Court expressed their concurrence in this view. Subsequently, in August 1907, they submitted statements showing the condition of the files on the Appellate Side of the Court, and explained that they did not consider it possible to spare the services of a Judge for the inspection of subordinate courts during the cold weather of 1907-08 unless the appointment of an additional Judge was sanctioned for a period of three months. The Government of India accepted this opinion and approved of the deputation in turn for a period of one month each of three permanent Judges to inspect and report to the High Court on the civil courts subject to its appellate jurisdiction and made a temporary appointment to the Court in place of each of the Judges on deputation^d. Similar arrangements were made in 1908 and 1909.

In December 1908 the High Court submitted a proposal that a fifteenth judge should be appointed permanently to the Bench, mainly on account of the congestion of work on the Appellate Side of the Court, but partly because the insolvency business was increasing and was, in its opinion, likely to increase still further when the Presidency Towns Insolvency Bill, then before Council, passed into law. Lord Minto's Government, after examining carefully the statistics forwarded by the High Court came to the conclusion that the Court could not, as then constituted, cope with the volume of judicial work coming before it and at the same time discharge satisfactorily its important administrative duties, and in particular that of the inspection of the subordinate courts. This duty, which had been neglected for a long time, had been

(a) Des. no. 11, (Judl.), d. June 7, 1906.

(b) Bengal letter no. 2422-J., d. Apl. 10, 1906.

(c) H. D. letter no. 893, d. June 20, 1906.

(d) H. D. desp. no. 22, (Judl.) d. Dec. 26, 1907.

taken up again but it had only been found possible to provide for it by placing a judge of the Court from time to time on deputation to inspect and report on the subordinate courts, and by filling up the vacancies so caused by temporary appointments for periods amounting to three months in each year. The Government of India thought that the fact that they had to adopt this course in itself indicated that the additional appointment was necessary and they considered that the case put forward by the High Court was considerably strengthened by the enactment of the Indian Criminal Law Amendment Act, 1908, which was likely to cause, from time to time, the withdrawal of three Judges from ordinary duty in the Court for long periods. They informed the Secretary of State that they had not overlooked the two expedients which had been suggested in the past for reducing the work of the High Court, namely, the establishment at Calcutta of a City Court similar in character to the Madras City Civil Court, and the enlargement of the jurisdiction of the Presidency Small Cause Court; but that they were not in favour of either of those measures. They pointed out that both would be most unpopular with the mercantile community, and that, while the former would not give much appreciable relief to the High Court, the latter was not, in their opinion, justifiable on principle. For, since the Small Cause Court was, as its name indicated, a Court for the trial of small causes by summary methods and without appeal, they did not regard it as right that its procedure should be extended to suits involving considerable sums. There was, therefore, in their opinion no course open but to strengthen the Court and they strongly supported the proposal of the Hon'ble Judges that a fifteenth Judge should be appointed permanently^a. The Secretary of State did not accept this proposal but sanctioned the appointment of a fifteenth Judge on the understanding that the number of Judges would be reduced again to fourteen by refraining from filling the first permanent vacancy which occurred after the expiry of one year^b. In communicating these orders to the High Court, Lord Minto's Government remarked that the Secretary of State's decision made it very desirable that the possibility of reducing the volume of work in the Court by economizing its judicial power should again be carefully considered. The High Court replied in February 1910 that, after considering the whole question very carefully, they had come to the conclusion that the main cause of the increase in the appellate work of the Court was the general increase of litigation in all classes of civil courts in the provinces under their jurisdiction. They were inclined to believe that other subsidiary causes contributed to the same result. They thought it possible that want of confidence in the subordinate courts might be one of these causes and invited attention to the recommendations which they had previously made for the selection and training of the officers of the Civil Service for the post of district judge and added that their constant attention had been devoted to the system of recruiting for, and to the increase of efficiency of, the subordinate judicial service. They observed that section 145 of the Code of Criminal Procedure in its present form gave rise to a large number of applications to the Court and invited attention to the suggestions they had made for its amendment. They referred also to the amount of time involved in the trial of cases under the Criminal Procedure Code, Amendment Act, 1908 (XIV of 1908). They added that they had reconsidered the rules of the Court regarding the powers which might be exercised by a single judge sitting in second appeal and that they had come to the conclusion that these

(a) F. D. despatch no. 66, d. Mar. 18, 1909.

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(b) Tel. d. May 4, 1903.

powers had now been extended to the utmost, and that any further extension would result in waste rather than economy of the time of the Court. They concluded by renewing their recommendation that the fifteenth Judge should be appointed permanently*. The Government of India in reply asked to be furnished with statistics of the Court's work bringing the figures previously forwarded as nearly as possible up to the end of June 1910 and to be informed of the actual effect of the Presidency Towns Insolvency Act, 1909, on the working of the Court.

As the Act just referred to and the rules framed under it had introduced changes of procedure and practice which were likely to add considerably to the work done by the Insolvency Court under the present Act and as it provided for the delegation to a Registrar in Insolvency of a large number of judicial and *quasi-judicial* duties, the Government of India proposed in December 1909 that a Registrar, being a solicitor or a barrister, should be appointed on Rs. 1,500 rising to Rs. 1,800 a month, that a Chief Clerk should be appointed on a salary of Rs. 400—600 a month and that the ministerial establishment of the Insolvency Court should be strengthened. The new appointments, which were sanctioned by the Secretary of State were made on a temporary basis pending information as to the actual increase of insolvency business due to the new Act¹.

In August 1906 the Government of Madras submitted proposals for increasing the staff of the Madras High Court². In 1896 a fifth Puisne Judge

Chartered High Courts (b) Madras.

had been appointed, as a temporary measure, to enable the Court to dispose of the arrears which had then accumulated. Notwithstanding this, the Judges were unable to keep pace with the work which came before the Court, and arrears had again accumulated. The High Court represented the need for additional relief and proposed that the fifth Puisne Judge should be made permanent; that a sixth Puisne Judge should also be added permanently; and further that a seventh Puisne Judge should be appointed for two years. The Madras Government were satisfied that relief could only be afforded by increasing the strength of the Bench, but they thought it would be sufficient to convert the fifth Puisne Judge into a permanent appointment and to create a substantive appointment of sixth Puisne Judge, to be absorbed on the first convenient vacancy. The local Government's proposal was supported³ by the Government of India and was sanctioned by the Secretary of State⁴.

In July 1908 the Government of India, at the request of the Secretary of State⁵, drew the attention of the Government of Madras to the serious congestion of work in the High Court, and asked that Government to submit proposals for effecting a remedy⁶. The local Government were already corresponding with the High Court on the subject, and in December 1908 they proposed that a seventh Puisne Judge should be appointed for two years at least, the appointment being absorbed on the occurrence of the first permanent vacancy thereafter. They also expressed their readiness to agree to an enhancement of the pecuniary limits of the Madras City Civil Court's jurisdiction to Rs. 5,000. The Government of India were, however, not in favour of this measure, as it was most unpopular, as it would give no appreciable relief to the High Court and as it would probably necessitate the appointment of another

(a) High Court's letter no. 540, d. Feby. 10, 1910.
(b) { H. D. telegram no. 1658, d. Decr. 27, 1909.
 { Telegram, d. Jany. 19, 1910.
(c) Madras letter no. 153, d. Aug. 22, 1906.

(d) Desp. no. 444 Fin., d. Dec. 13, 1906.
(e) Desp. no. 9 (Judl.), d. Mar. 22, 1907.
(f) Desp. no. 22 (Judl.) d. June 19, 1908.
(g) H. D. letter no. 942, d. July 17, 1908.

judge to the City Court and an increase in the pay of the present judge. They considered that the only real remedy for the congestion of work in the High Court was a further temporary increase in the number of Judges and they therefore recommended to the Secretary of State that a seventh Judge should be appointed for two years at least^a. The Secretary of State sanctioned this proposal in May 1909^b.

The Secretary of State sanctioned in September 1907 the appointment of an additional Judge to the Bombay High Court for a period of one year to dispose of references under the Land Acquisition Act in connection with properties required by the Bombay Port Trust and the Great Indian Peninsula Railway Company, and of all cases under that Act in which Government were concerned^c. The local Government in July 1907 asked that sanction might be obtained to the appointment of an additional Judge to the High Court for three months, to enable a permanent Judge to undertake the inspection of district and subordinate courts in the presidency, and forwarded statistics which showed that it would be impossible to arrange for their inspection unless a temporary appointment was made. They were informed that there was no objection to the proposal and that both financially and legally they were competent to sanction it^d. In March 1910 the Government of India recommended to the Secretary of State the temporary appointment of an additional Judge to this Court, mainly on the ground that it had to try three long and important cases under the procedure of Act XIV of 1908, arising out of the murder of Mr. Jackson at Nasik. The Bombay Government had represented that the growth of ordinary business was sufficient, apart from cases to be tried under special procedure by a bench of three Judges, to establish the necessity of the appointment of another Judge, but the Government of India were unable to assure the Secretary of State, without further enquiry, that the need for the additional appointment was permanent. The Secretary of State sanctioned the Government of India's proposal in April 1910.

During Lord Curzon's administration the Secretary of State called attention to the inappropriateness of the title of the High Court of Judicature at Allahabad and suggested that the Government of India should undertake legislation with a view to its alteration. The High Court, which was consulted on the subject was of opinion that the Indian Legislature was not competent to make any alteration in the Letters Patent of the Court. The matter was therefore referred to the Secretary of State by Lord Minto's Government with a suggestion that the case should be placed before the Privy Council under section 4 of the Judicial Committee Act, 1833^e. The Secretary of State replied that the proposed reference to the Privy Council would not secure the desired result, and that it would be sufficient if the matter were noted for consideration in connection with any legislation in Parliament which might be undertaken in the future for the purpose of amending the Indian High Courts Act, 1861^f.

In 1906 the United Provinces Government submitted proposals for strengthening the Bench of the Allahabad High Court. It represented that, owing to the large accumulation of arrears in the Court, great delay occurred in the disposal of cases. It recommended that an additional Judge should be appointed for at least three years, in the first instance, in order

(a) Desp. no. 55, Finl., d. March 4, 1909.
(b) Desp. no. 20-Judl., d. May 7, 1909.
(c) Tel. d. Sep 11, 1907.

(d) H. D. letter no. 1268, d. Aug. 23, 1907.
(e) Desp. no. 18 (Judl.), d. Nov. 23, 1905.
(f) Desp. no. 1 (Judl.), d. Jan'y. 12, 1906.

to relieve the congestion and to enable the Court to dispose of its arrears more expeditiously. This arrangement was at first suggested as a tentative measure, pending the settlement of the larger question of the amalgamation of the High Courts of the North-Western Provinces and Oudh. The consideration of the latter question, however, evoked much hostile criticism and it was subsequently decided not to proceed with it till there were clear indications that it would be favourably received by the people of both provinces^a. The local Government thereupon recommended that the additional Judge should be appointed for eight years if inspection work was also to be undertaken, or for six years if it was not. The Government of India accepted the local Government's opinion that a sixth Puisne Judge ought to be appointed for a period of eight years on the understanding that the appointment would be absorbed on the occurrence of the first vacancy in the Court at the end of that period, and that the inspection of subordinate Courts by the High Court was not to be neglected. The Secretary of State sanctioned these proposals in November 1907^b, and, on the suggestion of Lord Minto's Government, a Muhammadan was appointed to the new judgeship^c.

13. In April 1907 the Government of India sanctioned the retention till the commencement of the annual vacation on 12th August 1907 of the four additional

Non-chartered High Courts (a) Punjab.

Judges who were appointed in October 1905 to the Punjab Chief Court to clear off the accumulation of arrears^d. In August 1907 they recommended, subject to the approval of the Secretary of State, the retention of one of these for a further period of eight months from the 12th August 1907 as, though the arrears for the disposal of which the four temporary Judges were appointed in 1905 were, in the opinion of the Chief Court, likely to be cleared off by that date, the current work of the Court had fallen into arrears, and it was anticipated that, owing to the measures which had been taken to reduce the arrears of appeals in divisional courts in the Punjab, the number of further appeals to the Chief Court would largely increase^e. The Secretary of State in November 1907 approved of these proceedings^f. In January 1908 the Punjab Chief Court proposed that the additional Judge should be retained until the proposed amendment of the law of civil appeal in the province had been carried out. The Punjab Government was unable to support this proposal on the ground, *inter alia*, of financial stringency, but thought at the same time that a court of five judges could not keep pace with the work so long as the law remained unaltered, and suggested that its amendment should be proceeded with. Shortly before this, the Secretary of State had directed that legislation on this subject should not be postponed any longer, and the Punjab Government was about to be asked to submit a draft Bill. In view, however, of the fact that the amendment of the law would not immediately relieve the Chief Court the Government of India were of opinion that, if the additional Judge was not retained, there would very shortly be another serious accumulation of work in the Court, and they accordingly asked that the matter should be reconsidered^g. The Lieutenant-Governor thereupon accepted the necessity for retaining the additional Judge and recommended that he should be reappointed with effect from the 1st October 1908 for one year or until the law of appeal was amended. The appointment was eventually sanctioned by the Secretary of State^h.

(a) H. D. letter no. 1281, d. Sept. 18, 1906.
 (b) { F. D. desp. no. 352, d. Sep. 12, 1907.
 { Desp. no. 77 (Judl.), d. Nov. 8, 1907.
 (c) Tel. d. Jan. 16, 1908.
 (d) H. D. tel., no. 408, d. Apr. 5, 1907.

(e) H. D. letter no. 1184, d. Aug. 9, 1907.
 (f) Desp. no. 75 (Judl.) d. Nov. 1, 1907.
 (g) H. D. letter no. 448, d. Apr. 16, 1908.
 (h) Kinl. Desp. no. 249, d. Aug. 13, 1908,
 and tel., d. Sept. 23, 1908.

Sanction was afterwards given, with the Secretary of State's approval, to the retention of the appointment until the commencement of the Court's long vacation of 1911^a.

On the appointment of Sir ~~Harvey~~ Adamson, Chief Judge of the Chief

Non-chartered High Courts (b) Lower Burma.

Court of Lower Burma, as Home Member of Council, the Rangoon Chamber of

Commerce and Bar Association represented to the Government of India that it was desirable that the appointment of Chief Judge of the Lower Burma Chief Court should be held by a barrister, and deprecated the appointment of civilians who were likely to be promoted subsequently to executive posts. The local Government recommended that Mr. (now Sir Charles) Fox, a barrister judge, who was officiating as Chief Judge, should be confirmed in that appointment, provided that the principle which was laid down by Lord Curzon's Government that ordinarily the Chief Judge should be a civilian was explicitly reaffirmed. The Government of India accepted the Lieutenant-Governor's recommendation and recorded His Honour's opinion as to the general advisability of appointing a Civilian Judge to the post of Chief Judge.

In July 1907 the Government of Burma submitted a proposal that the pay of the Chief Judge of this Court should be raised from Rs. 2,750 to Rs. 4,100-10-8 a month and that of the Judges from Rs. 3,500 to Rs. 4,000 a month, mainly on the ground of the increase in the volume and complexity of work in the Court, consequent on the expansion of the province, the cost of living in Rangoon and the disadvantages of service in Burma as compared with other provinces. In the case of the Chief Judge stress was also laid on the specially onerous nature of his duties in connection with the judicial administration of Lower Burma, and the fact that the pay of the Chief Judge of the Chief Court of the Punjab has been fixed at Rs. 4,000 a month was alluded to. The Government of India did not think that there was sufficient justification for granting a higher rate of pay to the Judges. The increase of work in the Court seemed to them a reason for increasing the number of Judges rather than for increasing their pay, while the arguments of the local Government based on the increased cost of living in Rangoon and the comparative disadvantages of service in Burma had, in their opinion, no special applicability to the Chief Court, and might equally well be put forward on behalf of all officers serving in the province or at least of those stationed in Rangoon. They were of opinion, however, that, whether considered with reference to the volume of work performed by the Punjab and Lower Burma Chief Courts, respectively, the relative dignity and importance of the Courts, or the comparative cost of living in Lahore and Rangoon, there was no good reason for differentiating between the Chief Judges of the two Courts, and therefore recommended that the pay of the Chief Judge should be raised to Rs. 4,000 a month, a rate which they considered sufficient^b. This proposal was sanctioned by the Secretary of State in November 1907^c.

Owing to the state of the files in the Court and in view of the fact that there were a number of references under the Land Acquisition Act awaiting decision the Government of India sanctioned the appointment of an additional Judge from 9th November 1907 to 4th June 1908^d. In September 1908 the Government of India sanctioned the retention of this temporary appoint-

(a) F. D. desp. no. 168, d. June 30, 1910,
and tel. d. Augt. 3, 1910.
(b) F. D. desp. no. 392, d. Oct. 10, 1907.

(c) Desp. no. 80 (Judl.), d. Nov. 29, 1907.
(d) { H. D. letter no. 1240, d. Aug. 21, 1907.
H. D. tel. no. 409 d. Mar. 27, 1908.

ment from the 12th November 1908 to the beginning of the Court's vacation in 1909, as work was heavily in arrears, and as it was probable that important references under the Land Acquisition Act would be made during 1909. In August 1909 they again sanctioned the retention of this appointment from the end of the Court's vacation of 1909 to the commencement of the Court's vacation of 1910, as, although there was an increase in the number of cases disposed of on both the original and appellate sides of the Court the number of fresh suits had increased in even greater proportion, and as there was reason to anticipate a still further increase^a.

In January 1910 Lord Minto's Government forwarded to the Secretary of State a memorial in which certain business firms and persons resident in Rangoon prayed that the Chief Court of Lower Burma might be converted into a Chartered High Court with jurisdiction over the whole province^b. The proposal, which had also been made by the Chief Court, was strongly opposed by the Government of Burma, and the Secretary of State, in March 1910, after carefully considering the arguments advanced by the memorialists, agreed with Lord Minto's Government that the Lieutenant-Governor had succeeded in showing that the establishment of a Chartered High Court, whether for the whole of Burma or for Lower Burma only, would not further the interests of the province. Lord Morley also agreed with the Government of India that the permanent increase in the number of judges which the Lieutenant-Governor had suggested could not be sanctioned until the local Government had again considered carefully the possibility of establishing in Rangoon a City Court on the lines of the Madras City Court, and until every effort had been made to facilitate the disposal of business in the Chief Court by strengthening its ministerial establishment and by improving its procedure^c.

In 1909, when for the first time an Indian pleader was appointed to the Court of the Judicial Commissioner of Oudh, it was pointed out that under the rules in the Civil Service Regulations he was only entitled to receive two-thirds of the pay of the post. The Government of India thereupon, as they thought it important that high judicial officers should receive the same pay irrespective of race or source of recruitment, recommended to the Secretary of State that this gentleman should receive the full pay of the appointment.^d Lord Morley sanctioned this proposal^e.

At the beginning of Lord Minto's administration the Secretary of State's approval was received to the proposal which the Government of Lord Curzon had made, in consequence of the amalgamation of Berar with the Central Provinces, for the retention of the Judicial Commissioner of Berar as a third Judicial Commissioner in the Central Provinces. In view of this expansion of the Judicial Commissioner's Court the Chief Commissioner of the Central Provinces had in August 1905 proposed an amendment of the Central Provinces Courts Act, 1904 (II of 1904), with the object of (1) providing for the hearing of important cases in that court before a bench of two Judges, and (2) extending the jurisdiction of munsifs and subordinate Judges. Lord Minto's Government, however, were not convinced of the advisability of amending the Act in the manner suggested. They considered that the general development of the Central Provinces did not require the more elaborate judicial

(a) H. D. letter no. 1128, d. Aug. 11, 1909.

(b) H. D. desp. no. 1, d. Jan'y. 27, 1910.

(c) Desp. no. 5 Judl. d. Mar. 18, 1910.

(d) H. D. tel. no. 562, d. Apl. 17, 1909.

(e) Tel. d. May 11, 1909.

system which the proposals contemplated and that the introduction of the bench system would practically commit the Government to the permanent retention of the second Additional Judicial Commissioner. They did not admit that the necessity for this had been established, but hoped that although the post had been sanctioned substantively it might be possible to dispense with it after some experience of the conditions prevailing in the Judicial Commissioner's Court as newly constituted. They rejected the proposal to enlarge the jurisdiction of munsifs and sub-judges in view of the quality of the subordinate judiciary in the Central Provinces, the amount of work in the courts, and of the circumstances of the province generally. In June 1907, however, after receiving further information from the Chief Commissioner, they recommended to the Secretary of State that the appointment should be retained permanently^a, in view of the increase in the amount of work coming before the Court, and of the fact that the absence of a third judge even for a short time had been found to cause the work to fall into arrears and had resulted in the practical neglect of the important duty of inspection. They also supported the proposal that Mr. Stanyon, a member of the provincial civil service, should be confirmed in this appointment, and that, although he was a statutory native of India, he should receive the full pay of the appointment, as they considered it highly undesirable that a member of the highest court of the province should receive less pay than divisional judges subordinate to it. The Secretary of State sanctioned these proposals in August 1907^b.

The scheme for the reorganization of the Sadr Court in Sind which had been placed before the Secretary of State by the Government of Lord Curzon was sanctioned shortly before the late Viceroy left India^c; but, owing to the necessity for first amending the law relating to the constitution of the courts in Sind (the Sind Courts Act, 1866) it was not actually brought into force till some months after Lord Minto had assumed office. The pay of the Judicial Commissioner was raised from Rs. 2,500 to Rs. 3,000 a month with effect from October 22, 1905, the date of the receipt in India of the Secretary of State's sanction.

In September 1909 the Government of Burma submitted statistics showing the increase of work in the Court of the Judicial Commissioner of Upper Burma and recommended that an Additional Judicial Commissioner should be appointed as a permanent measure and that the Upper Burma Courts Regulation should be amended so as to provide for such an appointment. The Government of India did not consider that the necessity for a permanent appointment had been established. They thought that the appointment of an additional judge for a year ought to result in the disposal of all the civil cases on the file of the Court which were ready for decision, unless there were in the meanwhile a very large increase in the number of cases filed. While regretting that they could not accept the proposal of the Government of Burma they sanctioned the extension of the deputation of the officer doing duty as Additional Judge of the Judicial Commissioner's Court until July 1910^d.

14. In 1905 the Chief Commissioner of the Central Provinces submitted proposals for improving the prospects of munsifs in the Central Provinces and

(a) F. D. despatch no. 231, d. June 20, 1907.
(b) Despatch no. 59 (Judl.), d. Aug. 30, 1907.

(d) H. D. letter no. 1633, d. Dec. 16, 1909.

(c) { Despatch no. 45 (Judl.), d. Oct. 6, 1905.
H. D. letter no. 1841, d. Dec. 21, 1905.

Berar. The scheme put forward, which provided merely for a redistribution of the existing staff of munsifs on a somewhat more liberal grading, was intended

Judicial reorganizations.

only as a preliminary measure of reform pending the consideration of several large issues connected with the judicial administration of the provinces. The Government of India, while recognizing the need for placing the establishment of munsifs on a more satisfactory basis, considered that the scheme as formulated was open to objection in certain particulars, and they doubted whether it was sufficiently far-reaching in its effects. They accordingly returned the proposals for further consideration and suggested that it would be preferable if a more comprehensive scheme were formulated at once, providing for a scale of pay approximating to that fixed for similar establishments in the Bombay Presidency and the United Provinces, for a proper system of grading, and for the refusal of promotion to inefficient officers. The Chief Commissioner submitted a revised scheme in accordance with these suggestions. He also proposed a complete separation of the judicial and executive branches of the provincial civil service, and suggested that the judicial extra assistant commissioners should be classified as district and subordinate judges. The Government of India supported these proposals^a and the scheme, which involved an additional annual expenditure of Rs. 49,200, was sanctioned by the Secretary of State in July 1907^b.

The Government of Bombay, in 1906, proposed that the special judgeship which was created in 1879 for the purpose of supervising the working of the Dekkhan Agriculturists' Relief Act, 1879, should be abolished, that the administration of that Act should be entrusted to the ordinary judicial staff, and that, in order to enable the district judges to undertake a sufficient amount of inspection and to scrutinize cases disposed of by the subordinate judges, the two subordinate judges who had been appointed to assist the special judge should be retained and that two additional subordinate judgeships should be created. They also proposed that an additional Judge should be appointed in the High Court for three months in each year in order to enable the Court to depute one of the permanent judges to inspect the civil courts in the mufassal.^c In accordance with the recommendations^d of Lord Minto's Government the Secretary of State sanctioned these proposals subject to the following conditions, namely, (1) that the four subordinate judges were so utilized as to provide for adequate inspection, and were not absorbed in the task of coping with arrears of judicial work generally, and (2) that an additional Judge should be appointed to the High Court only when there was clear evidence that it was unable to provide for the inspection of mufassal courts without detriment to its ordinary work^e. The scheme was introduced in January 1907.

The subordinate judicial service in Lower Burma, which was constituted at the end of 1904, was reorganized in 1907 at an additional cost of Rs. 49,500 a year. It was divided into (a) a provincial service on salaries varying from Rs. 300 a month to Rs. 800 a month, and (b) a subordinate service divided into two grades of Rs. 200 and Rs. 250 respectively.

In June 1906 the Government of Eastern Bengal and Assam submitted a proposal for the constitution of the judicial branch of the provincial civil service in Eastern Bengal and Assam, and the formation of a separate cadre for that service distinct from the cadre of the corresponding service in Bengal.^f

(a) F. D. desp. no. 181, d. Apl. 25, 1907.

(b) Desp. no. 45, Judl., d. July 25, 1907.

(c) Bombay letter no. 1418, d. Mar. 14, 1906.

(d) F. D. desp. no. 261, d. July 19, 1906.

(e) Desp. no. 67, (Judl.), d. Oct. 5, 1906.

(f) Eastern Bengal and Assam letter no. 5522, d. June 5, 1906.

The Government of India were unable to accept the allotment of appointments which was suggested and asked that the Lieutenant-Governor of Bengal and the High Court might be consulted^a. Meanwhile, they agreed to a proposal made by the High Court that the separation should be given effect to gradually, that the officers serving in the two provinces should in the first instance be formed into two cadres provisionally, but should be retained on one list for purposes of promotion: that officers not originally placed in the cadre to which it was proposed to assign them permanently should gradually be transferred, as opportunities offered, from one province to the other, and that all new appointments should be made definitely to one particular cadre. They decided at the same time that the final separation of the cadre should be completed by the 1st January 1903, and that after the separation was effected officers should only be transferred from one province to the other in exceptional cases, when there had been serious inequality in the rates of promotion to the grade of subordinate judges. As the local Governments were unable to agree to the apportionment of subordinate judges suggested by the Government of India in August 1906, but were willing to leave the distribution to the Hon'ble Judges, a further reference was made to the High Court^b. The Judges, in March 1908, agreed to the numerical distribution of subordinate judges suggested by the Government of India, but thought that an additional appointment should be placed in the 2nd grade, and recommended that a grade (consisting of 12 appointments to be provided by the reduction of an equal number of appointments on Rs. 400 a month) of munsifs on Rs. 500 a month should be created in Eastern Bengal and Assam in order to compensate the munsifs to be allotted to that province for the disadvantages attached to service therein. The whole scheme, as thus modified, was recommended^c to the Secretary of State in August 1908 and was sanctioned by Lord Morley in October of the same year^d.

In September 1905 Lord Curzon's Government sanctioned a proposal made by the Government of Bombay that the two first class subordinate judges in Sind should be graded with those in the presidency proper by the addition of their appointments at the bottom of the third grade of the first class subordinate judges in the Presidency. The Government of Bombay had assured the Government of India that this proposal could be worked without difficulty, but afterwards, when the Bombay High Court, which had not been consulted in the matter, took exception to the new arrangements, they recommended that these two appointments should again be removed from the cadre of the presidency proper, that their number should be increased to three, one on Rs. 800, one on Rs. 650 and one on Rs. 500 a month, and that the grading of the second class subordinate judges should be rearranged. Lord Minto's Government considered that the reorganization of the court of the Judicial Commissioner of Sind afforded a sufficient justification for the additional appointment suggested and supported the local Government's proposals^e, which were sanctioned by the Secretary of State in July 1907^f.

The Government of the United Provinces represented in April 1907 that the pay allowed to an officiating munsif in those provinces, *viz.*, Rs. 150 a month, was insufficient to induce able men to abandon their practice at the bar on the chance of finally obtaining a permanent appointment in the judicial service, and that in other respects officiating munsifs suffered under disabilities

(a) H. D. letter no. 113, d. Aug. 10, 1906.
 (b) H. D. letter no. 1195, d. Aug. 14, 1907.
 (c) F. D. desp. no. 231, d. Aug. 6, 1908.

(d) Desp. no. 44 (Judl.), d. Oct. 28, 1908.
 (e) F. D. desp. no. 135, d. Apr. 25, 1907.
 (f) Desp. no. 30 (Judl.), d. July 12, 1907.

which required to be remedied. It accordingly proposed that the pay of officiating munsifs should be fixed at Rs. 200 a month as in Bengal, and that a new grade of eight probationary munsifs should be created on a pay of Rs. 175 per mensem for the purpose of filling leave vacancies and, when not so employed, of giving relief where required. The Government of India, while approving generally of the second proposal, considered that if it was sanctioned the cadre of munsifs would have to be regarded as self-contained, with its own leave reserve, and that the appointment of outsiders as a temporary measure to fill leave vacancies would not thereafter be permissible. They inquired whether the Lieutenant-Governor was prepared to accept a settlement of the case on this basis, pointing out that if a self-contained cadre, including the proposed probationary grade, was constituted it would be unnecessary to fix the pay of an officiating munsif at Rs. 200, since the acting allowances of a probationary munsif after appointment would be regulated by the ordinary rules^a. The local Government replied in September 1907 that the question had been referred for consideration to a committee appointed to inquire and report regarding the better distribution of work among district and sessions judges, judges of small cause courts, subordinate judges and munsifs.

In January 1909 the Government of India forwarded to the Secretary of State a scheme submitted by the Government of the Punjab for the reorganisation of the judicial service in that province. The main features of the scheme, which was estimated to involve an additional expenditure of Rs. 13,850 a month, were (1) the creation of four new divisional and sessions judgeships, one to be listed as open to the provincial service, and the increase of the pay of the 1st grade judgeships to Rs. 2,750 a month, (2) the division of the provincial service into two distinct branches, executive and judicial, (3) the withdrawal of civil judicial work from tahsildars and naib-tahsildars and (4) the increase, and the improvement of the grading of, the establishment of munsifs^b. Certain questions relating to the recruitment of the judicial branch of the provincial service and to the cadre of the executive branch were shortly afterwards remitted to the Punjab Government for further consideration^c. The Secretary of State in May 1909 sanctioned the proposals submitted to him but decided that two, instead of one, of the additional divisional and sessions judgeships should be listed as open to the provincial civil service^d.

15. In November 1905 the Secretary of State sanctioned, in accordance with a recommendation made by Lord Curzon's Government, the creation of an additional judgeship for the district of Darbhanga in Bengal.

In June 1907 the Government of Burma submitted proposals to reconstitute the civil and sessions divisions of that province and to add a sixth divisional judgeship to the cadre. It also recommended that the new appointment should be placed in the first grade of divisional judgeships, and that the pay of that grade should be increased to Rs. 2,750, the pay of commissioners of divisions in Burma. The Government of India considered that the statistics of work furnished by the local Government clearly indicated the necessity for the creation of the additional appointment proposed and were satisfied that the proposed reconstitution of the divisions was suitable both from a geographical point of view and with reference to the distribution of work among the various courts. They were also of opinion, after comparing the rates of pay of

(a) H. D. letter no. 1088, d. July 26, 1907.

(b) F. D. desp. no. 24, d. Jan'y 28, 1909.

(c) H. D. letter no. 859, d. March 8, 1909.

(d) Desp. no. 21, d. May 7, 1909.

judicial officers in other provinces with the rates of pay in Burma, and in view of the fact that the prospect of obtaining commissionerships in the executive line had discouraged capable officers in Burma from joining the judicial service and had led to difficulties in selecting civilian Judges for the Chief Court, that the proposal that the new appointment should be placed in the first grade of divisional judgeships and that the pay of that grade should be increased did not err on the side of extravagance. They, therefore, supported the recommendations of the local Government^a to the Secretary of State, who sanctioned them in November 1907^b.

In March 1908 the Government of India sanctioned the creation of a separate judgeship for the district of Khulna, and the conversion of the appointment of additional judge, Jessore and Khulna, into a district judgeship^c. As the work of the two districts of Jessore and Khulna, previous to the issue of these orders, was performed by a district judge and an additional judge, the new arrangement did not involve any increase in the cadre.

In July 1908 the Government of Eastern Bengal and Assam proposed to create a second grade district and sessions judgeship on Rs. 2,500 a month, with the object of affording relief to the superior judicial staff of the districts of Bakarganj, Sylhet, Dacca, Mymensingh and Tippera. It agreed with the High Court that the great volume of criminal work left the district and sessions judges insufficient time for the trial of original cases, the hearing of appeals from the decision of munsifs, the inspection of subordinate courts, and the study of civil law, and that it was therefore imperatively necessary in the interests of judicial administration that the existing staff should be strengthened. The Government of India recommended^d the proposal to the Secretary of State, who sanctioned it in February 1909^e.

In June 1908 the Government of India received alternative proposals made by the Government of Bengal and the Calcutta High Court for the addition of an appointment of district and sessions judge to the cadre of the Indian Civil Service in Bengal, in order to provide more adequately for the judicial work of the district of Sambalpur. Before addressing the Secretary of State on the subject they asked the local Government to supply them with fuller information, based on the statistics of the past three years, regarding the probable amount of work which would fall to each of the district and sessions judges who would be affected by the arrangements which the Lieutenant-Governor finally decided to recommend. Sir Edward Baker forwarded the statistics called for in April 1909 and stated that he agreed in the recommendation of the High Court that the districts of Sambalpur, Singbhum and Manbhum should be amalgamated into a new judgeship with headquarters at Purulia, and that the new judge should be required to spend one month in every quarter at Sambalpur. This proposal, which involved the creation of a district and sessions judgeship on Rs. 2,500 a month, was supported by the Government of India^f and was sanctioned by the Secretary of State in October 1909^g.

16. In July 1907 the contractual allowance of the Government Solicitor,

Law Officers.

Calcutta, was revised on the understanding that the Government of Eastern

Bengal and Assam would be at liberty to consult him direct, instead of through the Government of India, as formerly, and that the firm of solicitors to which

(a) F. D. des. no. 340, d. Sep. 5, 1907.

(b) Desp. no. 79 (Judl.), d. Nov. 22, 1907.

(c) H. D. letter no. 355, d. Mar. 23, 1908.

(g) Desp. no. 51 (Judl.), d. Oct. 1, 1909.

(d) F. D. des. no. 360, d. Dec. 24, 1908.

(e) Desp. no. 9 (Judl.), d. Feb. 12, 1909.

(f) F. D. des. no. 187, d. July 29, 1909.

he belonged would undertake to provide for the entire civil legal business of the Governments of India, Bengal and Eastern Bengal and Assam, criminal work of an advisory nature for the Government of India, and the duty of advising on cases connected with conveyances and leases of a complicated character referred to the Government Solicitor by the Legal Remembrancers in Bengal and Eastern Bengal and Assam and also on cases relating to provincial Governments other than Bengal, Eastern Bengal and Assam, Madras, and Bombay which might be referred to the Government Solicitor by the Government of India. It was also arranged that in return for a further addition to the contractual allowance the firm should depute a competent junior, able to give sound legal advice on ordinary matters, to attend on the Government of India at Simla during the summer months^a.

At the instance of the Government of the Punjab, Lord Minto's Government recommended to the Secretary of State that the Legal Remembrancer in that province should be admitted to the special pensionary privileges granted by article 549 of the Civil Service Regulations, in order that the appointment might be rendered as attractive as possible and that the local Government might secure the best possible legal talent.^b The Secretary of State sanctioned this proposal in June 1908^c.

In April 1907 the Government of Eastern Bengal and Assam inquired whether the Advocate-General, Bengal, could exercise in that province the powers conferred on him by section 539 of the Code of Civil Procedure, and whether it was entitled to consult him on any question of law direct, or only through the Government of India. After reference to the Advocate-General, the Government of India in October 1907 replied to the first question in the affirmative. As regards the second question, they found that it had been the practice in the past to treat the Advocate-General as the chief legal adviser only of the Governments of India and Bengal, the Administration of the old province of Assam being allowed to obtain his advice through the Government of India, and, further, to regard the Governments of new provinces created out of the Bengal presidency as not being entitled to direct access to the Advocate-General. They were, however, of opinion that it was very desirable that the Government of Eastern Bengal and Assam should be on the same footing as the Government of Bengal in respect of the right to consult the Advocate-General, not only because it was important that it should have the best legal advice available, but also because, so long as the province remained under the jurisdiction of the Calcutta High Court, it would be difficult and inexpedient to dissociate it entirely from the Advocate-General of Bengal. At the same time they considered that, in view of the additional work which would devolve on that officer if such an arrangement were made, and of the fact that his duties and responsibilities had increased vastly since his pay was fixed at Rs. 3,135 many years ago, this rate of salary would no longer be an adequate remuneration. They accordingly, in March 1908, recommended to the Secretary of State that the salary of the Advocate-General should be raised to Rs. 4,000 a month, on condition that he undertook the duty of advising the Government of the new province direct in legal matters. They also suggested that specific provision for his responsibility in regard to that province should be made in future in the Royal Warrants of Appointment.^d The Secretary of State sanctioned these proposals in May 1908^e.

(a) H. D. letter no. 949, d. July 2, 1907.

(b) F. D. desp. no. 118, d. Apr. 16, 1908.

(c) Desp. no. 28 (Judl.), d. June 21, 1908.

(d) F. D. desp. no. 78, d. Mar. 12, 1908.

(e) Desp. no. 14 (Judl.), d. May 8, 1908.

In 1907 the Hon'ble the Chief Justices of Bengal and Bombay addressed the Government of India regarding the system, then in force, of granting Advocates-General, in addition to their fixed salaries, fees for conducting certain classes of cases in court, only when costs in the suit are awarded to Government and actually recovered. They represented that the system of paying fees for litigious business by results was open to grave objection, that it was contrary to the rules of the legal profession in England, and that it might tend to affect adversely the interests of Government. They accordingly suggested that a fixed sum should be granted by way of monthly salary to Advocates-General for all work performed by them out of court, and that they should be given in addition the usual fees for litigious business irrespective of results. The Government of India agreed that the present system was objectionable and that the payment of fees for appearances in court should be independent of the results of cases. Before addressing the Secretary of State, however, they asked the Governments of Madras, Bombay and Bengal whether the suggestion commended itself to them.^a After considering the views of those Governments they decided that it was not advisable to proceed with their proposal that Advocates-General should be given in addition to their salaries the taxed fees on all litigious business, irrespective of results. They did not issue any formal orders on the subject as they thought that it would be sufficient to provide, when future Advocates-General were appointed, that they should not be allowed to receive fees in the cases referred to by the Chief Justices. The question was revived in November 1909 by Mr. Kenrick, the Advocate-General of Bengal. He represented that when he was offered his appointment by the Secretary of State he was informed that the Advocate-General was allowed fees subject to certain conditions when appearing for Government in cases on the Original Side of the High Court, and that he did not understand until after his arrival in India that these fees were paid only in the event of costs being actually recovered from unsuccessful litigants. He represented that the practice of paying fees subject to this condition violated well ascertained and authoritative rules of etiquette—rules which it was his duty as *ex-officio* leader of the bar in Bengal to enforce upon the profession. The Government of India thereupon informed^b the Secretary of State of the inquiries which they had made on this subject and of the decision they had arrived at and expressed regret for the fact that owing to an unfortunate oversight this decision had not been communicated to him before the appointment of a successor to Mr. Sinha. They stated that Mr. Kenrick had offered to waive any claim to fees in such cases and that in their opinion there was no reason to believe that the salary of his office was inadequate. They therefore asked that it might be expressly provided that the Advocate-General's salary of Rs. 4,000 a month was payment in full not only for his consultative work but for his appearances on behalf of the Secretary of State in Council in civil cases in the Calcutta High Court. The Secretary of State accepted this recommendation and stated that the position would be made quite clear when future appointments were made.^c A copy of the correspondence was forwarded to the Governments of Madras and Bombay for information.

In March 1908 the Government of India recommended to the Secretary of State that the work of the law officers of the United Provinces should be redistributed, so as (1) to relieve the Government Pleader in the High Court of

(a) H. D. letter no. 1626-22, d. Oct. 29, 1907.

(b) Desp. no. 3, d. Feb. 3, 1910.

(c) Desp. no. 3, (Jud.), d. Mar. 18, 1910.

all the criminal business which he used to undertake for Government, except the duty of assisting the Government Advocate and the Assistant Government Advocate in criminal cases in the High Court which involved the study of vernacular documents, and to assign to him certain additional civil business; and (2) to allot to the Assistant Government Advocate the criminal business of which the Government Pleader was to be relieved, his salary being increased on that account by Rs. 200 a month^a. The Secretary of State sanctioned these proposals in May 1908^b.

In December 1909 the Government of Eastern Bengal and Assam addressed the Government of India on the subject of the law officers whose services were at present at its disposal. The Lieutenant-Governor pointed out that his only whole-time legal adviser was the Legal Remembrancer, whose work was extremely heavy and whose duties had been materially increased by the creation of the enlarged Council of which he was the Secretary. He considered that the time had come for the creation of a Legislative Department such as existed in other provinces and for the appointment of an assistant who could relieve the Legal Remembrancer of some of his duties. Further, the Lieutenant-Governor was convinced that insufficient control was being exercised over the prosecution of the important and intricate criminal cases which were continually being instituted in the province, and that it was desirable to reduce, if possible, the heavy expenditure which was incurred in bringing counsel from Calcutta to represent Government in those cases. He proposed, if the appointment of a Deputy Legal Remembrancer was sanctioned, to utilise him as a Director of Public Prosecutions and to employ him to supervise important criminal inquiries and to conduct important cases. He recommended the creation of such an appointment on a salary of Rs. 1,500—100—2,000 a month, the salary sanctioned for the corresponding officer in Bengal, and proposed, if the post were sanctioned, to appoint a Bengali barrister employed as Government Advocate at Barisal. The Government of India considered that the Lieutenant-Governor had clearly established the necessity for the creation of the appointment and supported the proposal to the Secretary of State^c. Lord Morley sanctioned it in March 1910^d.

In October 1909 the Government of India recommended to the Secretary of State that Rao Bahadur Vasudeo Ramkrishna Pandit should be granted the full pay of the appointment of Government Advocate in the Central Provinces for the period during which he acted in place of Sir Bipin Krishna Bose who had been appointed to act as additional Judicial Commissioner. They also requested that they might be authorized to sanction, when necessary, the grant of an acting allowance not exceeding the full pay of the appointment in similar cases in future^e. The Secretary of State sanctioned these proposals.

17. In November 1905, with the object of improving the system on which

Revision of the arrangements for the conduct of its legal business of the Government of Bengal. its legal business was conducted, the Government of Bengal proposed that the

Government Solicitor should be relieved of all work connected with criminal prosecution in Calcutta and that the Public Prosecutor should be placed under the orders of the Legal Remembrancer; that the duty of drafting and advising on legal statutory rules, bye-laws and orders should be transferred from the Government Solicitor and the Legal Remembrancer to the Legislative Department of the local Government, and that the advisory

(a) F. D. desp. no. 66, d. Mar. 5, 1908.

(b) D. sp. no. 13, (Judl.) d. May 8, 1908.

(c) F. D. desp. no. 262, d. Oct. 28, 1908.

(e) F. D. desp. n^o. 32, d. Feb. 10, 1910.

(d) Tel. d. Mar. 21, 1910.

functions of that Department should be enlarged in other respects ; and that the duty of dealing with conveancing work of a complicated nature should be transferred to the Government Solicitor. In view of the increase in the work of the local Legislative Department which the second proposal involved, it recommended *inter alia* that Mr. Wigley, the Secretary to the Legislative Council and Assistant Secretary in the Legislative Department, should be granted a personal allowance of Rs. 500 a month, and that a new appointment of Assistant Secretary to the Bengal Legislative Council, on a salary of Rs. 500—50—750 a month, to be held by a junior barrister or solicitor, should be created^a.

The Government of India sanctioned the first three proposals, on the understanding that they were to be at liberty to consult the Government Solicitor whenever they required his advice or that of the Advocate-General in criminal matters, and that the determination of questions affecting the construction of acts, statutes and regulations and any general legal principle arising out of any case should be left as hitherto to the law officers of the local Government. They were unable however to accept the proposal that a personal allowance should be granted to Mr. Wigley and considered that it would be preferable to increase the pay of Mr. Wigley's appointment to Rs. 1,500 rising to Rs. 2,000, when held by a barrister, a civilian incumbent being granted his pay in the regular line *plus* a local allowance of Rs. 250 a month, subject to a maximum of Rs. 2,000 a month. They thought that the services of a competent lawyer could not be secured for the proposed appointment of Assistant Secretary to the Legislative Council on the pay suggested by the local Government, and that it would be sufficient if a highly qualified head clerk were entertained to assist the Secretary. They submitted these alternative proposals to the Secretary of State^b, but Mr. (now Lord) Morley preferred to sanction the recommendations of the Government of Bengal^c.

In February 1909, Lord Minto's Government recommended^d to the Secretary of State that a personal allowance of Rs. 500 a month should be granted to Mr. Hume, the Public Prosecutor at Calcutta, with effect from the 1st January 1908, mainly on the ground that his work had owing to the political situation, been specially important and difficult and that he had no leisure for private practice. Lord Morley sanctioned this proposal.

18. In January 1906 the Administrator General, Bengal, submitted proposals^e for the amendment of the Administrator Generals' Act, 1874 (II of 1874).

Administrators General and Official Trustees.

While they recognised that the Act was in many respects obsolete, and admitted that an entirely new Act adapted to modern conditions was probably required, the Government of India considered that it would be inexpedient to undertake any general revision of the law until a fuller experience had been gained of the working of the Administrator General's office on behalf of Government, until the confidence of the public in the office had been established, and the suspicion with which the legislation which resulted in the passing of Act V of 1902 was regarded had died out^f. The Administrator General was subsequently instructed to submit proposals for a general revision of the Act in October 1909^g. After these proposals had been examined departmentally, Mr. A. B. Miller, the Official Trustee, Bengal, announced his intention of retiring in 1911. Lord Curzon's Government had decided that when this appointment fell vacant, the office

(a) Bengal letter no. 3742 J., d. Nov. 14, 1905.

(b) Des. no. 16, d. Jan. 24, 1907.

(c) Des. no. 18, (Judl.), d. Apr. 19, 1907.

(g) H. D. letter no. 1413, d. Nov. 27, 1908.

(d) F. D. desp. no. 80, d. Feb. 4, 1909.

(e) Letter no. 3, d. Jan. 4, 1906.

(f) H. D. letter no. 137, d. Feb. 8, 1907.

should be amalgamated with that of the Administrator General. Lord Minto's Government thought it necessary that the Official Trustee's Act, 1864 (XVII of 1864), which also was obsolete in many respects should be carefully examined before this amalgamation was actually effected, and as the subject was very technical and difficult they placed Mr. J. Sanders Slater, Administrator General and Official Trustee, Bombay, on special duty to prepare proposals for the revision, or possibly the amalgamation of the Acts relating to the two offices.

19. At the end of 1905 the Bengal Government recommended that the third Presidency Magistrate, Calcutta who had been appointed in 1903 for a period of two years in the first instance, should be retained permanently. In view of the increase in the work coming before the Police Courts, the Government of India considered that it would be impossible to reduce the number of permanent stipendiary magistrates below three without causing a recurrence of serious delays in the disposal of cases and congestion of business in the Courts. They accordingly recommended the local Government's proposal to the Secretary of State and authorised the continuance of the appointment pending his orders. In March 1906 the Secretary of State sanctioned the permanent retention of the appointment.^a In April 1907 the Government of India authorised the retention for a further period of six months of the appointment of a fourth Presidency Magistrate in Calcutta which had been sanctioned by the Government of Bengal as a temporary measure^b and in October 1907, with the approval of the Secretary of State, this appointment was made permanent.^c

In May 1907 the Government of Bombay represented that great difficulty was experienced in obtaining at short notice suitable barristers to officiate in the appointment of Chief Presidency Magistrate, Bombay. The Government of India accordingly authorized them to grant a salary of Rs. 1,200 a month to any officer, not holding a substantive appointment on a permanent establishment, who might in future be appointed to officiate as Chief Presidency Magistrate, Bombay.^d

After some correspondence with the Government of Bombay the Government of India recommended to the Secretary of State the grant of a personal allowance of Rs. 200 per mensem to the present City Magistrate Karachi, who had rendered thirteen years' approved service on the maximum pay of the post, and the creation of an appointment in the fourth grade of deputy collectors in the Bombay Presidency on Rs. 600 per mensem in order to provide for an Assistant City Magistrate.^e These proposals were made on the ground that the cost of living in Karachi and the work and responsibilities of the City Magistrate had considerably increased since 1869 when the pay of the appointment was fixed at Rs. 600—800 a month and because the Government of Bombay had found it necessary to authorise the temporary appointment of a muktyarkar magistrate to relieve the City Magistrate of his less important cases. The proposals received the Secretary of State's sanction in December 1908.^f In November of the same year the Government of India suggested to the Government of Bombay that when the present City Magistrate

(a) Des. no. 16, (Judl.), d. Mar. 30, 1906.
(b) H. D. letter no. 496, d. Apr. 18, 1907.
(c) { F. D. des. no. 326, d. Aug. 22, 1907.
Tel. d. Oct. 2, 1907.

(d) H. D. letter no. 927, d. June 27, 1907.
(e) F. D. desp. no. 820, d. Nov. 5, 1908.
(f) Desp. no. 52, (Judl.), d. Dec. 25, 1908.

retired, his appointment, unless it was ordinarily to be held by a barrister in future, should be included, like other similar appointments in the Bombay Presidency, in the provincial civil service or some other regular service. The Governor in Council approved this suggestion and recommended that the appointment should be added to the first grade of deputy collectors and that a local allowance of Rs. 200 per mensem should be attached to it.

20. In order to prevent the institution of fraudulent civil suits in courts

Miscellaneous (Criminal).

situated at such a distance from the homes of the defendants that it was practically impossible for them to contest the claims satisfactorily, Lord Minto's Government instructed local Governments to prosecute the plaintiff under section 209 or 210 of the Indian Penal Code where there was clear evidence that such suits were false. They also suggested that whenever there was sufficient proof that the plaintiff had given or had fabricated false evidence a charge under section 192 should be added. They directed that the cost of such prosecutions should be borne by Government and that the officers in charge of the provincial Criminal Investigation Departments should be instructed to assist in the investigation and prosecution of such offences, consulting the Director of Criminal Intelligence when necessary. In July 1907 the Government of the United Provinces represented that these orders did not provide a sufficient remedy against the evil. It suggested that when a collector discovered a claim which he had good reason to believe to be fraudulent, he should inform the local Criminal Investigation Department, and that, if the case appeared to be one which ought to be proceeded with and if the defendant was willing that an application should be made on his behalf to the civil court in which the suit was filed for permission to prosecute the plaintiff, the further proceedings should be conducted by the Criminal Investigation Department or, if the suit was instituted in another province, by the Director of Criminal Intelligence. This procedure was approved in respect of cases in which the defendants reside in the United Provinces, and the decision was communicated to other local Governments^a. The procedure was modified in January 1910. The collector was then authorised, when he had reasonable grounds to believe that a suit instituted in another province was fraudulent, to call in the aid of the local Criminal Investigation Department and ask for a preliminary enquiry in order to satisfy himself that there were grounds for a criminal prosecution of the plaintiff in the suit, and also to arrange with the collector of the district in which the suit was instituted that the public prosecutor or Government pleader in that district should appear for the plaintiff in the civil suit.

In May 1908, the Government of Bengal resubmitted a proposal, which the Government of India had negatived in 1905, for legislation with a view to preventing minor girls from being brought up to a life of prostitution in Calcutta. Lord Minto's Government, while sympathising fully with the object aimed at, were not satisfied that Indian public opinion regarding this matter had materially changed since 1905, and they thought that action should be deferred until it was clear that at least the more advanced communities desired the co-operation of Government in grappling with this evil. They also saw serious objection to the proposal that the children rescued should be provided for in homes managed by the Society for the Protection of Children in India, a grant being made from provincial revenues to cover the expenditure incurred,

(a) H. D. letter no. 1393-1405, d. Sept. 12, 1907.

not only because the proposal involved an indefinite financial responsibility, but because they thought that a home financed by Government and managed by a nominally non-sectarian, but essentially Christian, society could not fail to be regarded as practically a missionary institution supported by the State. They pointed out that the scheme submitted did not provide for the future of rescued girls, that there was little hope of their being able either to contract honourable marriages or to find suitable employment and that it was, therefore, probable that on leaving the home at the age of 16 or 18 years they would lapse into the very condition from which the scheme was designed to save them^a.

In January 1909 the Government of India sanctioned the employment of the services of counsel for the defence of paupers charged with murder in the Central Provinces in cases in which the accused appeared to have a plausible defence and was likely to be prejudiced by his inability to state it or to cross-examine^b.

In the same month they negatived a proposal made by the Government of the Punjab that the law should be amended so as to render absolute the forfeiture of ancestral property ordered under section 88 of the Criminal Procedure Code or under sections 61 and 62 of the Indian Penal Code, even when the offender had only a life interest in the property. A similar proposal was rejected by Lord Curzon's Government in 1902, and Lord Minto's Government considered that the objections then taken to it had not been adequately met. The immediate reason for the resubmission of the proposal was a ruling of the Punjab Chief Court that an order of forfeiture under section 88 of the Criminal Procedure Code in the case of an absconder who was not a full owner was not absolute as against his heirs or reversioners. The Punjab Government, fearing that this ruling would lead to the submission of a large number of claims by reversioners for the restoration to them of confiscated property which had been sold outright in the past, asked that, if the Government of India were not prepared to alter the existing law, they would permit it, in the event of litigation in respect of past forfeitures assuming large proportions, to introduce legislation with the object of declaring such forfeitures to be absolute. The Government of India declined to accede to this request because they did not consider that sufficient reasons existed for having recourse to validating legislation, and they directed that any claims made should be dealt with by way of compensation as they arose.^c

Lord Curzon's Government, shortly after the passing of the Indian Poisons Act (Act I of 1904), requested local Governments to frame rules under sections 2 and 4 of the Act, for the regulation of the possession and sale of white arsenic and other poisons. It was not originally intended that the rules should be identical in different provinces, but the drafts framed by local Governments were so divergent in matters both of principle and of detail that Lord Minto's Government decided that the rules throughout India should be drawn on uniform lines. They accordingly drafted sets of rules under section 2 and section 4 of the Act and asked local Governments to adopt them. The rules under section 4 of the Act applied to white arsenic only, and those under section 2 to aconite, nux vomica, perchloride of mercury, cyanide of potash, stramonium and mixtures containing these poisons. The rules aimed at controlling the purchase of poisons in small quantities for

(a) H. D. letter no. 1117, d. Aug. 25, 1908.

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(b) H. D. letter no. 17, d. Jan. 4, 1909.

(c) H. D. letter no. 60, d. Jan. 9, 1909.

criminal purposes, and were framed so as to impose no restriction on wholesale transactions". During 1907 most of the local Governments published rules based on those drafted by the Government of India. It was decided on a representation made by the Government of the United Provinces to abandon the attempt to define white arsenic in the rules under section 4 of the Act and to leave it to the courts to determine whether in any given case the substance for the possession or sale of which a prosecution was being had was or was not white arsenic within the meaning of the Act and the rules thereunder. In August 1907 some of the Local Governments were asked to report whether they considered that the importation of white arsenic into British India should be prohibited except under license granted under section 3 of Act I of 1904; whether, if so, the prohibition and the rules for the grant of licenses should be applied, under section 6 of the Act, to other poisons also; and whether, if restrictions were imposed, they should apply to importation by land as well as by sea. Their replies disclosed a considerable difference of opinion as to the expediency of attempting to control the importation of poisons, and doubts were expressed as to whether restrictions on importation could be made effective without interfering unduly with legitimate trade. The Government of India, therefore, decided to abandon for the time being the idea of taking action under section 3 of the Act and to watch meanwhile the effect of the rules framed under sections 2 and 4. In May 1908 all the provisions of the Act relating exclusively to white arsenic were applied to certain other forms of arsenic and to some other poisons.

21. The Secretary of State sanctioned in November 1905 a scheme for
 Miscellaneous (Civil). improving the position of the subordinate judicial establishments in the territories subject to the jurisdiction of the High Court of the North-Western Provinces. The ultimate additional annual expenditure involved exceeded Rs. 95,000.

A proposal made by the Bombay Government to alter section 325 of the Code of Civil Procedure, 1882, so as to empower the collector of a district to refuse his sanction to a sale of land to be disposed of in execution of a decree of a civil court whenever he considered that the highest bid offered was not adequate, was, after reference to the other local Governments and Administrations, remitted to the Governor in Council in the early part of 1906 for further consideration, as the Government of India did not think that the amendment proposed would effect the purpose intended. The Government of India at the same time made certain suggestions for achieving the object in view, and asked the local Government for their opinion on them. After considering those suggestions the Bombay Government forwarded two alternative drafts of section 325 of the Civil Procedure Code. The first of these embodied fully the suggestions made by the Government of India. The second was simpler, and provided that the collector should have power to set aside a sale within 30 days if he considered the price offered to be inadequate, that in such cases the purchase money or deposit should be refunded to the purchaser, and that the property should be resold. The local Government recommended the adoption of this draft and, as the amendment of the law was in their opinion urgently required in Bombay, proposed that the amendment should be effected in the Dekkhan Agriculturists' Relief Act. The Government of India accepted these proposals and the necessary legislation was undertaken in the local Legislative Council.

In May 1906 the Government of India sanctioned, under section 5 of the Scheduled Districts Act, 1874, a proposal made by the Government of Bombay to extend sections 9, 10 and 41 of the Bombay Civil Courts Act, 1869, to the Province of Sind, the main object being to provide for the control and inspection of subordinate courts by District Judges.

In the Central Provinces the ministerial and menial establishments of civil judicial officers were separated from those of executive officers at an annual cost of about one lakh of rupees. This separation was effected not only because it was considered desirable in itself, but also because it was a necessary consequence of the dissociation of judicial from executive offices which resulted from the enactment of the Central Provinces Courts Act, 1904 (II of 1904).

In April 1906 the Government of Bengal submitted a proposal that a member of the Indian Civil Service when holding the appointment of Assistant Secretary to that Government in the Legislative Department and Secretary to the local Legislative Council should receive the pay which he would be receiving were he employed in the regular line of the service, *plus* a local allowance of Rs. 200 a month. The local Government was of opinion that the post should ordinarily, as at present, be held by a barrister, but pointed out that when a suitable barrister was not available a member of the Indian Civil Service had to be appointed and that it was necessary that the pay should be sufficient to attract a suitable officer and to compensate him for the expense of living at Calcutta. This proposal was sanctioned by the Secretary of State, subject to the condition that the maximum pay to be drawn by a civilian holding this appointment should be limited to Rs. 2,000.*

In May 1907 the Government of India approved, as an administrative measure, a proposal made by the Government of Bombay that the Dekkhan Agriculturists Relief Act, 1879, should be amended so as to enable evidence to be given to prove the real nature of transactions in suits for the enforcement of sale deeds and other documents affecting immoveable property to which agriculturists are parties.

The Calcutta High Court in 1907 forwarded a minute by the Hon'ble Mr. Justice Mitra recommending that civil courts should be empowered to grant relief to debtors by reducing the rate of interest to a reasonable extent and by re-opening adjusted accounts on the basis of such reduced rate of interest, and that legislation on the lines of the Money Lenders Act, 1900 (63 and 64 Vict., cap. 51), should be undertaken. Lord Minto's Government, however, considered that the time was not ripe for legislating in the direction suggested.

In June 1907 Bengal Act I of 1876, an Act to provide for the voluntary registration of Muhammadan marriages and divorces was extended to several districts in Assam, and in July 1907 the Parsi Marriage and Divorce Act, 1865 (XV of 1865), was extended to Upper Burma (except the Shan States).

The Government of Burma proposed in 1907 that a member of the Indian Civil Service holding the appointment of Secretary to the Burma Legislative Council and Assistant Secretary in the Legislative Department should receive the pay to which he would be entitled in the regular line of the service *plus* a local allowance of Rs. 200 a month as compensation for the expense of living in Rangoon. The Government of India considered these terms suitable, if the salary were limited to Rs. 2,000 a month^b; and the proposal as thus modified was sanctioned by the Secretary of State in August 1908.*

(a) Des. no. 157 (Pub.), d. Oct. 26, 1908.

(b) F. D. desp. no. 169, d. June 11, 1908.

(c) Desp. no. 119 (Pub.), d. Aug. 28, 1908.

In September 1908 the Government of India sanctioned the issue of a notification under section 7 of the Bengal Settled Estates Act, 1904 (Bengal Act III of 1904), in respect of an application made by the Hon'ble Saiyid Nawab Ali Choudhuri, Khan Bahadur, of Dhanbari in Eastern Bengal, for permission to make a settlement of his estates under the provisions of that Act, which had hitherto been applied only to the estate of the late Maharaja Sir Jotendra Mohan Tagore^a. In March 1909, at the request of the Secretary of State, they asked the Governments of Bengal and Eastern Bengal and Assam for a report on the working of the Act, especially in its application to the estates of Muhammadans.

In February 1909, the Government of India forwarded to the Secretary of State a scheme for the revision of the pay of the ministerial officers attached to judicial courts and to the offices of commissioners of divisions and of district and sub-divisional officers in Bengal. The question had been thoroughly discussed by a committee appointed by the Government of Bengal to consider it, and carefully scrutinized by the local Government, and the Government of India were able to support, practically in its entirety, the scheme as presented to them. The additional expenditure involved amounted to Rs. 5,32,681 a year^b.

In June 1910 the Secretary of State sanctioned the appointment of a sub-judge as Assistant Secretary in the Legal Department of the Government of Bombay.^c

22. Under an arrangement come to during Lord Curzon's term of office the taluqas of Nugur, Albaka and Cherla
Territorial changes. were to have been transferred from

the Central Provinces to the Madras Presidency with effect from the 1st May 1906. The Madras Government however represented that the transfer involved serious difficulties, both legal and administrative. They accordingly proposed that the scheme for the transfer of these taluqas should either be finally abandoned or at least postponed until the Madras Estates Land Bill had been passed into law^d. Lord Minto's Government were however unable to accept either of these proposals and asked the local Government to propose, after consultation with the Chief Commissioner, Central Provinces, a fresh date for the transfer^e. They also asked the Madras Government whether they thought it was necessary or advisable to maintain permanently in the transferred districts the whole of the Central Provinces Land Revenue and Tenancy Acts and the rules made thereunder or only parts of them, and, if the latter, what parts ought to be maintained. The Government of Madras replied in June 1908 that, after consulting the Chief Commissioner of the Central Provinces, they were of opinion that, with certain exceptions which they specified, those Acts and rules should continue in force in their entirety in the taluqas for the present. They also submitted a revised draft Regulation. After some further correspondence with the Government of Madras regarding the details of the Regulation, Lord Minto's Government sanctioned the transfer of the three taluqas to the Madras Presidency with effect from the 1st of July 1909 and on the same date issued a Regulation declaring the law in force in them and authorizing the levy of certain cesses in those taluqas and in the Bhadrachalam Taluq^f.

(a) H. D. letter no. 1191, d. Sept. 16, 1908.
(b) Desp. no. 42 Finl., d. Feb. 18, 1909.
(c) Desp. no. 70 Pub., d. June 17, 1910.

(d) Madras letter no. 1392, d. Aug. 17, 1906.
(e) H. D. letter no. 82, d. Jan. 24, 1907.
(f) H. D. letter no. 541, d. Apl. 15, 1909.

At the conclusion of Lord Minto's term of office the Government of India were considering, in consultation with the Government of Madras, what laws ought to be declared to be in force in the Laccadive and Minicoy Islands, which were ceded to the British Government in full sovereignty in November 1909.

23. In May 1906 the Secretary of State sanctioned^a the inclusion of the Secunderabad cantonment magistracy among the whole time cantonment magistracies. In June 1906, in view of the anomalies and inconveniences involved in the dual control exercised over the cantonment magistrates' department by the military authorities on the one hand and the Home Department on the other the administration of the department was transferred, after local Governments had been consulted and on certain carefully defined conditions, to the control of His Excellency the Commander-in-Chief^b.

Cantonment Magistrates' Department.

(a) Desp. no. 56 (Mlly.), d. May 25, 1906.

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(b) H. D. letter no. 837-847, d. June 11, 1906.

CHAPTER VI.

POLICE.

1. The resolution of March 21 1905, in which the Government of Lord Curzon dealt exhaustively with the proposals of the Police Commission, laid down

Progress of reform in the various provinces.

in general terms the order in which the details of the scheme of reorganisation should be considered, discriminating between reforms which should be undertaken immediately and for which special recurring grants were sanctioned in the provincial budgets of 1905-06, and reforms which required to be reported for the sanction of the Secretary of State. The former class, which included much needed increases in the pay and strength of the subordinate establishment, first engaged the attention of the local Governments, and the autumn and much of the cold weather of 1905 were occupied by the Government of India in the consideration of the proposals submitted to them for the utilisation of the special grants. The reorganisation of the superior establishment necessitated a careful examination of the needs of each province, and the proposals of local Governments under this head came in but slowly. Meanwhile additions to the gazetted ranks became more urgently necessary. In September 1905 ten appointments in the new grade of deputy superintendent were made in Madras, the Secretary of State's confirmation of the arrangement being received in December. A second Deputy Inspector-General was provisionally appointed in Burma and officers were placed on special duty in several provinces to superintend the training schools, the reorganisation of the railway police and similar matters of urgent importance. In January 1906 the Government of India requested general sanction from the Secretary of State to the immediate appointment of Deputy Inspectors-General wherever they were required to facilitate the carrying out of schemes of reform.^a The Secretary of State expressed his inability to agree to this, but sanctioned the temporary deputation of such number of officers to assist the Inspectors-General as the Government of India might consider necessary.^b The first letter to the Secretary of State containing proposals for the final revision of the gazetted ranks which dealt with the requirements of Madras, was despatched on March 1st 1906; and it was followed in the course of the year by proposals for the other provinces. The reorganisation of the superior police establishment in all provinces was sanctioned with effect from the 1st April 1906. The elaboration of proposals for the revision of subordinate establishments occupied more time, but the complete revision has now been sanctioned for all provinces except Bombay, from which final proposals are still awaited. The reorganization of the city police force in Calcutta, Madras and Rangoon has been sanctioned, but the revision of the similar force in Bombay has been deferred at the request of the local Government.

2. The cost of the reforms in all provinces was originally estimated at Rs. 1,50,00,000 a year. The Government of India undertook to assist the local Governments in meeting this expenditure by making allotments from Imperial funds. Subventions aggregating Rs. 1,44,59,000 have been made to the various provinces since the reorganisation was begun.

3. The superior establishment proposed for Madras comprised 5 Deputy Inspectors-General, including the Commissioner of the Madras city police, 34 district

Madras reforms.

(a) Tel. to S. of S. no. 41, d. Jan. 17, 1906.

(b) Tel. from S. of S. d. Feb. 6, 1906.

superintendents and 36 assistants. Local allowances were recommended for certain specially expensive and unhealthy stations. The proposals involved an increased expenditure of Rs. 1,57,600 a year^a and were sanctioned by the Secretary of State in May 1906^b. In November 1905 Mr. Brodrick agreed to the immediate creation of 10 appointments in the new grade of Deputy Superintendents, and in August 1906 Mr. Morley agreed to the increase of this number to the full proposed strength of 40, at a total cost for the whole grade of Rs. 1,71,600 a year. In December 1906 the Secretary of State sanctioned the revision of the Madras city police force, involving an additional expenditure of Rs. 1,14,733.8 a year^c. The new establishment comprises 13 inspectors, 61 sub-inspectors, 26 sergeants, 226 head constables, 1,416 constables, 1 mounted head constable and 3 mounted constables. The organization of a criminal investigation department for the presidency was sanctioned in June 1906^d. Later in the same year the Government of India sanctioned the entertainment of 130 sub-inspectors in anticipation of proposals for the final revision of the subordinate police establishment. The Secretary of State was addressed regarding this final revision in December 1908^e and his sanction was received in the following year^f. The establishment recommended comprised 273 inspectors, 1,624 sub-inspectors including 240 probationers, 91 sergeants, 3,059 head-constables and 24,799 constables. These changes involved an additional expenditure of Rs. 27,76,072 per annum excluding temporary establishments and the 240 probationary sub-inspectors referred to above. In May 1909 the Secretary of State sanctioned the establishment proposed by the Government of Madras for the Railway Police in that Presidency at an annual cost of Rs. 2,85,816^g.

4. For some time there had been a serious deficiency of assistant superintendents of police in the Madras presidency, and under an arrangement sanctioned by the Secretary of State one junior civilian had since 1905 been employed temporarily as an assistant superintendent. The relief thus afforded to the police department, however, was slight, and at the request of the local Government the Government of India authorised in July 1906 the similar employment temporarily of two more junior officers of the Indian Civil Service until there should be a sufficient number of officers in the Madras police department to fill all the sanctioned posts^h. The proceedings were reportedⁱ to and approved by the Secretary of State^j.

5. Dealing with the proposals of the Government of Bombay for the expenditure during the year 1905-06 of the grant of five lakhs of rupees allotted for police reform in the presidency, the Government of India sanctioned the abolition of deductions on account of clothing from the pay of constables, head constables and sergeants^k, and the provisional recruitment of the staff required to bring the establishment of the Criminal Investigation Department (including the Finger Print Bureau) in the presidency proper up to the full strength proposed under the reorganisation scheme. The consideration of other questions was deferred pending the issue of orders on the proposals regarding the final revision of the subordinate police force in Bombay, but the Government of India agreed to the expenditure upon the building of the provincial training

(a) F. D. des. no. 58, d. Mar. 1, 1908.
 (b) Judl. des. no. 23, d. May 11, 1908.
 (c) Judl. Des. no. 78, d. Dec. 7, 1906.
 (d) Judl. Des. no. 80, d. June 22, 1906.
 (e) F. D. des. no. 370, d. Dec. 31, 1908.
 (f) Judl. Des. no. 18, Mar. 5, 1909.

(g) Judl. Des. no. 23, d. May 14, 1909.
 (h) H. D. letter no. 720, d. July 19, 1906.
 (i) F. D. des. no. 284, d. Aug. 9, 1906.
 (j) Judl. des. no. 64, d. Sep. 28, 1906.
 (k) H. D. letter no. 1349, d. Dec. 22, 1905.
 (l) H. D. letter no. 157, d. Feb. 9, 1906.

school and upon police buildings generally of such funds as might be available after the reforms for which sanction had been accorded had been initiated.^a Pending the establishment of a permanent police training school at Nasik the opening of a temporary school at Bambhurda was sanctioned, for which provision to the extent of Rs. 75,000 was made in the Bombay police budget for 1906-07^b. In deference to the strong representations made to the local Government against the recommendations of the Police Commission, the Government of India accepted the proposals that the Commissioner of Police, Bombay, should remain independent of the Inspector-General but subject to the obligation to carry out the latter's orders and to assist officers deputed by him in respect of the detection of crime committed in the mufassal and matters under investigation by the Criminal Investigation Department, and also that the Commissioner should not be graded with the Deputy Inspectors-General^c. They also agreed that the superintendents of the city police should not for the present be replaced by officers of the rank of district superintendent and that the reorganization of the Bombay city police generally should be deferred until the more urgent needs of the mufassal had been supplied. In December 1905 proposals for raising the pay of the Aden police were sanctioned and for the appointment of a police inspector for the Sheikh Othman division and at the same time approval was accorded, in furtherance of a general scheme which had been long under consideration for the whole of India, to the substitution of police guards for military guards over civil buildings, with the necessary increase to the local force^d. Proposals for the reorganization of the gazetted ranks of the police in the Bombay presidency were made by the Government of India in June and sanctioned by the Secretary of State in August 1906^e. The revised establishment consists of one Inspector-General, one City Commissioner, 4 Deputy Inspectors-General, 33 superintendents, 31 assistant superintendents and 35 deputy superintendents, the extra cost involved in the revision amounting to Rs. 3,69,400 a year. The local Government's proposals for the revision of the subordinate police establishment (excluding that employed in Sind) were not acceptable in points of detail and they were asked to reconsider them, but in April 1906 the Government of India sanctioned the immediate introduction of certain necessary reforms, the cost of which was met from the grant of five lakhs of rupees allotted to the presidency in 1905-06^f. In March 1907 the Government of India addressed the Bombay Government on the subject of their proposals for the reorganization of the Sind subordinate police force and the provision of a separate clerical establishment for police offices in Sind^g. The proposals, like those made for the presidency proper, showed an excessive increase in the strength of head constables and constables and the local Government was accordingly requested in this case also carefully to examine the requirements and to submit revised proposals district by district, but the recommendations regarding the clerical establishment, except as regards the pay proposed for the accounts staff, which appeared to them to be excessive, were accepted. The Government of India have also accepted, with some slight modifications, the local Government's proposals relating to the subordinate police establishment on the sections of the North-Western and Jodhpur-Bikanir Railways which lie in the province of Sind^h. In June 1906

(a) H. D. letter no. 72, d. Jan. 25, 1906.

(b) H. D. tel. no. 291, d. Mar. 7, 1906.

(c) H. D. letter no. 1031, d. Oct. 31, 1905.

(d) H. D. letter no. 1806, d. Dec. 19, 1905.

(h) H. D. letter no. 1153, d. Dec. 3, 1906.

(e) { F. D. des. no. 223, d. June 21, 1906.
Des. no. 59, d. Aug. 3, 1906.

(f) H. D. letter no. 406, d. Apr. 13, 1906.

(g) H. D. letter no. 813, d. Mar. 25, 1907.

the Government of Bombay submitted proposals for the separate recruitment of clerks for district police offices in the presidency proper including those in the Rewa Kantha Agency, on the railways and in the city of Bombay. The Government of India had already concurred with the Police Commission in condemning the system in force in Bombay under which the clerical establishment of police offices consisted of men enrolled under the Police Act, and generally accepted the proposals, which, after undergoing revision at the hands of the local Government, were submitted to the Secretary of State who sanctioned them in April^a 1907. They involved an increased expenditure of Rs. 44,916 a year.

6. In June 1907 the Government of Bombay were addressed with reference to their proposals for the reorganization of the police establishments required for the duties of law and order on the Great Indian Peninsula, the Madras and Southern Mahratta and the Bombay, Baroda and Central India Railways, and were asked to revise them in the light of the remarks made by the Government of India^b. The revised proposals were submitted in April 1908. The cost of police per mile of open line in Bombay seemed to the Government of India to be considerably higher than in any other province and the local Government were accordingly asked to consider the question of further reducing the cost. The local Government were asked in October 1907 to revise their proposals relating to the establishment of the Central Police training schools at Nasik and Bhamburda.^c The revised proposals were received and sanctioned^d by the Government of India in March 1908, subject to the ultimate confirmation of the Secretary of State.

7. In May 1909 the Secretary of State sanctioned^e a proposal for the appointment of a second Deputy Commissioner of police to hold charge, under the general control of the Commissioner of Police, Bombay, of the Criminal Investigation Branch of the Bombay City Police. As the result of a representation made by the Government of Bombay pointing out the delay in the introduction of reforms among the lower ranks of the police in that Presidency the Government of India in March 1908 raised the minimum pay of all constables of district and railway police to Rs. 9, of the city police to Rs. 14 and increased by two rupees the pay of all grades of unarmed constables and of third grade of armed head constables in Sind and also the pay of each grade of constables of the Karachi city police force and granted in addition a local allowance of two rupees to the latter. The Government of India also authorised the recruitment of additional head constables and constables up to the number proposed by the Police Commission and called for revised proposition statements for the reorganisation of the police force in the whole Presidency including Sind.

8. In February 1909 the Government of Bombay submitted certain proposals the settlement of which in their opinion was necessary as a preliminary to the final preparation of the schemes for the reorganization of the police force in the districts of the Presidency proper. The proposals which received the sanction of the Government of India were the raising of the minimum pay of constables from Rs. 9 to Rs. 10, the retention of the old system of grading and the division of the mounted head constables into two grades on Rs. 15 and Rs. 20 and the grant to them of horse allowances at the rate of Rs. 25 a month.^f The Government of India accepted the proposal that the rates of pay of the rail-

(a) Jodl. des. no. 21, d. Apl. 19, 1907.

(b) H. D. letter no. 605, d. June 19, 1907.

(c) H. D. letter no. 1108, d. Oct. 17, 1907.

(d) H. D. letter no. 428, d. Mar. 27, 1908.

(e) Tel. from S. of S., d. May 4, 1909.

(f) H. D. letter no. 47b, d. May 15, 1909.

way and district police should be the same and they sanctioned a minimum pay of Rs. 11 for all constables in Sind.^a

In October 1908 the Government of India sanctioned at the urgent request of the Government of Bombay the creation for six months of a temporary appointment in the Criminal Investigation Department to enable the special officer appointed thereto to conduct investigations connected with the political agitation; the deputation was subsequently extended to a total period of two years.^b

10. In October 1906 the Government of Bombay submitted a scheme for the better apportionment of the Bombay city police charges between the Government and the Municipal Corporation, explaining that they sought to terminate once for all a long-standing controversy liable to assume a more acute form as the cost of the police increased with the progress of reorganization. The scheme, which proceeded on a transfer of charges, promised to afford a satisfactory solution of the difficulties which had arisen and the Government of India accepted it in principle, leaving the details of the settlement to be arranged by the local Government in communication with the Corporation.^c

11. After taking into consideration the probable cost of police reform in the districts of old Bengal remaining in the province as now constituted and those transferred to Eastern Bengal and Assam, the Government of India decided to give to the new province a round sum of three lakhs out of the recurring grant of twelve lakhs allotted to the old province of Bengal for expenditure on police reform.^d The Government of India's proposals for the reorganization of the superior police establishment in Bengal were forwarded to the Secretary of State in June 1906^e. The strength recommended, including the officers provided for the city and port of Calcutta, consisted of 1 Inspector-General, 1 City Commissioner (on Rs. 1,500—100—2,000), 4 Deputy Inspectors-General, 45 district superintendents, 46 assistant superintendents and 21 deputy superintendents. As it was necessary at once to strengthen the police cadre of the province, the Government of India had sanctioned in March 1906 (subject to the confirmation of the Secretary of State) the immediate creation of eight appointments in the grade of deputy superintendent^f. The extra cost involved in the whole scheme amounted to Rs. 4,47,100 a year. The sanction of the Secretary of State was received in September 1906^g. The subordinate police establishment proposed for Bengal comprised 257 inspectors, 1,719 sub-inspectors, 44 sergeants, 2,537 head constables, 18,737 constables and 3 mounted constables (on a special rate of pay of Rs. 24 each). For sergeants a special scale beginning at Rs. 90 and rising by biennial increments of Rs. 5 to Rs. 120 was recommended.^h These proposals, which involved an increased expenditure of Rs. 19,68,433 a year, including Rs. 3,348 for the revision of the Bengal military police force, now to be called the "special reserves," were sanctioned by the Secretary of State in December 1906.ⁱ The proposals for the reorganization of the Calcutta police force were submitted to the Secretary of State in June^j and sanctioned in September 1906.^k In place of the existing 57 inspectors, 21 sub-inspectors and 65 European sergeants, 19 inspectors, 84 sub-inspectors (on special rates of Rs. 125, Rs. 140, Rs. 150 and

(a) H. D. letter no 43, d. Jan. 19, 1910.

(b) H. D. letter no. 391, d. Apl. 19, 1909.

(c) H. D. letter no. 71, d. Jan. 24, 1907.

(d) H.D. letter no. 196, d. Feb. 19, 1906.

(e) F. D. des. no. 195, d. June 7, 1906.

(f) H. D. letter no. 372, d. Mar. 30, 1906.

(g) Judl. des. no. 60, d. Aug. 31, 1906.

(h) F. D. des. no. 382, d. Oct. 25, 1906.

(i) Judl. des. no. 82, d. Dec. 14, 1906.

(j) F. D. des. no. 208, d. June 14, 1906.

(k) Judl. des. no. 53, d. Aug. 31, 1906.

Rs. 175) and 98 European sergeants, and in place of 81 native sergeants, 183 corporals, and 7 head constables, 338 head constables were provided. The number of constables was increased from 2,714 to 2,778 and the number of native mounted constables reduced from 35 to 20. Of the eight existing city "superintendents" two were retained for the charge of the criminal investigation department and the reserve respectively, while provision was made in the cadre of the superior establishment for five district superintendents (to be called deputy commissioners) for general duties, for a district superintendent for the charge of the port police and the Hugli river and for one assistant superintendent (to be styled an assistant commissioner) to learn the work of the city and fill leave vacancies among the deputy commissioners. The extra cost involved in the proposals amounted to Rs. 2,40,751 a year. In 1905-03 the local Government introduced, at a cost of Rs. 1,08,000,^a certain changes in the Calcutta police, including the appointment of an additional inspector for the criminal investigation department, the grant of allowances to inspectors drawing less than Rs. 250 a month and to eight city police sub-inspectors, an increase in the minimum pay of the European sergeants, an increase in the number of head constables and the introduction of the new scale of their grading and pay and the revision of the pay of constables.

12. In November 1908, the Government of Bengal submitted a draft of a Bill further to amend the Calcutta Police Act, 1866 (Bengal Act IV of 1866) and the Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866), together with a Statement of Objects and Reasons. The Bill introduced many important and useful provisions in the existing acts but was largely an adaptation of the comprehensive Police Act for the city of Bombay, *viz.*, Act IV of 1902. The amendments were examined and the principles and policy of the Bill were approved in the Home Department and the Bill became law in May 1910.

13. Owing to a deficiency of 23 police officers in the Bengal superior police service, and as recruits of suitable age and qualifications could not be obtained otherwise, the sanction of the Secretary of State was obtained in October 1907 to the recruitment of three military officers of six years' service'. These officers were placed in the first grade of assistant superintendents. In order further to make up the deficiency, the Government of India informed the local Government that they were prepared to recommend to the Secretary of State the proposal that in addition to the number of police recruits required from England, four more officers should be appointed to the Bengal Police Department from other departments during 1909.

14. In July 1908 the Government of India received proposals from the Government of Bengal for the revision of the ministerial establishments of the offices of Superintendents of District and Railway Police in Bengal. They agreed with the local Government that the strengthening of the clerical staff attached to the police offices in Bengal and the increase of their salaries were necessary and unavoidable and recommended the proposals to the Secretary of State who sanctioned them.^c

15. In March 1910 the Secretary of State sanctioned the proposals submitted by the Government of India for the reorganisation of the Special Branch of the office of the Inspector-General of Police, Bengal, and the formation of a department to deal with political crime. The proposals involved among other

(a) H. D. letter no. 578, d. June 5, 1906.

(b) Tel. from S. of S. d. Oct. 2, 1907.

(c) Judl. des. no. 10, d. Feb. 12, 1909.

matters the creation of an extra appointment of Deputy Inspector-General of Police on Rs. 1,500 for two years.*

16. In August 1907, the Government of Bengal submitted certain proposals for the improvement of the beat system in the town and suburbs of Calcutta, as the necessity for it had not been taken into account in connection with the reorganization of the Calcutta police. The Government of India sanctioned the addition of 81 constables required for guard, orderly and other miscellaneous duties, but asked for a further examination of the number of beats proposed and of the constables required to serve them in the light of the criticisms made on the various points. In February 1908 the Government of Bengal again addressed the Government of India and advanced further arguments justifying their original proposals which were accepted by the Government of India and recommended to the Secretary of State who sanctioned them.

17. In January 1908 it was reported that a gang of Russian Poles had committed many thefts in Bombay, Madras and Calcutta. Two members of the gang, Kandrazki and Bromfeldt *alias* Bolesloff, were arrested in Bombay on charges of thefts from passengers travelling on railways, and were sentenced in Madras and Howrah respectively to 18 months' rigorous imprisonment for theft. Kandrazki was also sentenced in Bombay to three months' rigorous imprisonment for escaping from custody. As these men were believed to be dangerous criminals, the Governments of Madras and Bengal were requested in September 1908 to deport them under the Foreigner's Act, Act III of 1864, as soon as their sentences of imprisonment had expired.

18. In March 1906 the Government of India forwarded to the Secretary of State proposals for the revision of the superior police establishment of the United Provinces*. The strength recommended comprised 1 Inspector General, 4 Deputy Inspectors-General, 54 superintendents, 48 assistant superintendents and 35 deputy superintendents, and involved an increase in the existing grades of 1 Deputy Inspector-General, 4 superintendents and 10 assistant superintendents, or, including the appointments in the new grade of deputy superintendent, of 50 officers in all. The Government of India did not approve the local Government's recommendation that the grant of local allowances of Rs. 100 and Rs. 50, respectively, should be continued to the superintendents and assistant superintendents, stationed in Allahabad, Lucknow, Agra, Cawnpore, Benares, or that similar allowances should be granted in Meerut, but referred the matter for the decision of the Secretary of State. The extra cost of the proposals amounted to Rs. 4,36,600 a year, and, as in the case of Madras, it was recommended that effect should be given to them from April 1, 1906. The Secretary of State's sanction was received in May 1906*.

19. In May 1907 the Secretary of State was addressed on the subject of the revision of the subordinate police establishment in the United Provinces*. The establishment recommended comprised 258 inspectors, 52 sergeants, 2,042 sub-inspectors, 3,117 head constables, 246 mounted constables and 23,819 constables excluding those on the chaukidari establishment, which consists of 281 head constables and 3,404 constables. These changes involved an additional expenditure of Rs. 18,16,649 a year, and were sanctioned in October 1908*.

(a) Jndl. des. no. 2, d. Mar. 4, 1910.
(b) H. D. letter no. 1268, d. Dec. 2, 1907.
(c) F. D. des. no. 187, d. June 25, 1908.
(d) Jndl. des. no. 86, d. Sep. 4, 1903.

(e) F. D. des. no. 67, d. Mar. 8, 1906.
(f) Jndl. des. no. 2, d. May 11, 1906.
(g) F. D. des. no. 172, d. May 16, 1907.
(h) Jndl. des. no. 43, d. Oct. 23, 1908.

20. In May 1906 the Secretary of State was addressed on the subject of the revision of the superior police force in the Punjab, the North-West Frontier

Punjab reforms.

Province and Baluchistan^a. The establishment recommended comprised 2 Inspectors-General, 4 Deputy Inspectors-General, 41 superintendents and 42 assistant superintendents. The treatment of the few isolated appointments in Baluchistan had always been a difficulty, and the Government of India considered that their inclusion in the combined cadre of the Punjab and the North-West Frontier Province would not only widen the field of selection, but would also tend to raise the standard of departmental administration. Five appointments in all, namely, one of superintendent (for Quetta), one of assistant superintendent and three of deputy superintendent, were so included. The sanction of the Secretary of State to the proposals was received in August 1903^b. The additional expenditure involved in the whole scheme is Rs. 2,44,200 a year. The number of deputy superintendents is 31. Proposals for this grade were submitted to the Secretary of State in August 1906 together with the proposals relating to the revision of the subordinate police^c. The subordinate establishment proposed consisted of 194 inspectors, 24 sergeants, 833 sub-inspectors, 2,373 head constables, 16,932 constables and 206 mounted head constables and constables, and the extra cost involved including that on account of the deputy superintendents, is Rs. 12,15,628 a year. The sanction of the Secretary of State was received in December 1906^d.

21. The superior police establishment proposed for Burma comprised one Inspector-General, 4 Deputy Inspectors-General, 43 superintendents and 38

Burma reforms.

assistant superintendents^e. The continuance on existing terms of the local allowances granted on account of dearness of living was recommended until the 31st December 1906 when the question of the revision of these allowances generally was to come under the consideration of the Government of India. The proposals, which involved an increased expenditure of Rs. 1,87,060 a year, received the Secretary of State's sanction in July 1906^f. In February 1906 the local Government asked that the allowances might be continued to each grade of superintendents and assistant superintendents until the average service of the officers in it was practically the same as that of officers of the same grade in other provinces. The Government of India agreed to address the Secretary of State in the matter, but slightly modified the proposals, recommending that every officer (with the exception of a district superintendent of the first grade), who was already in receipt of a personal allowance, should continue to draw it so long as his actual service exceeded the maximum service of his grade as shown in a table of normal service which they prepared and forwarded with their despatch. They also added a proviso that an officer's total salary must not, through the addition of a proposal allowance, exceed the amount which he would have received if his promotion had been normal. The Secretary of State's sanction to the proposals was received in December 1906^g. Proposals for the revision of the Rangoon town police, involving additional expenditure of Rs. 63,536, a year, were submitted to the Secretary of State in August and sanctioned in November 1906^h. Provision was made in the cadre of the superior establishment for two superintendents for the divisions

(a) F. D. des. no. 177, d. May 31, 1906.

(b) Judl. des. no. 40, d. July 29, 1906.

(c) F. D. des. no. 293, d. Aug. 16, 1906.

(d) Judl. des. no. 76, d. Nov. 18, 1906.

(e) F. D. des. no. 141, d. Apl. 26, 1906.

(f) Judl. des. no. 80, d. Dec. 14, 1906.

(g) Judl. des. no. 35, d. June 22, 1906.

(h) Judl. des. no. 72, d. Nov. 9, 1906.

of Rangoon town, as well as for the Commissioner of the city police, whose grading with the Deputy Inspector-General had been already approved. The subordinate establishment recommended consisted of 14 inspectors, 8 deputy inspectors (on special pay of Rs. 125, Rs. 150 and Rs. 175), 21 sub-inspectors, 17 sergeants, 51 head constables and 762 constables.

22. In March 1907, the Secretary of State sanctioned the proposals of the Government of India relating to the grade of deputy superintendents in Burma and to the revision of the subordinate police in that province^a. The revised strength sanctioned comprised 33 deputy superintendents, 188 inspectors, 12 sergeants, 1,066 sub-inspectors, 1,714 head constables and 11,922 constables and the changes involved an additional expenditure of Rs. 12,80,584 a year. In February 1908 the Government of India addressed^b the Secretary of State with a view to the addition of four posts of assistant superintendent and six posts of deputy superintendent to the Burma police force. The extra cost involved was Rs. 42,000 a year. The Secretary of State sanctioned these proposals in April 1908.^c

23. To fill the gaps in the cadre resulting from the removal of the block in the Burma police service the Government of India proposed the transfer of police officers from the other provinces of India or of officers from the Indian Army or the provincial service. On two of these sources, however, it has been found impossible to draw. In consequence of the augmentation of police establishments throughout India as the outcome of the Police Commission's recommendations it was not found feasible to transfer any police officers from other provinces to Burma, while no officer could be spared from the local provincial civil service, and the Government of Burma was unable to recommend any members of the provincial police service for appointment to the imperial branch. No other suitable sources of recruitment presented themselves and the only alternative left was the appointment of officers of the Indian Army. The sanction of the Secretary of State was accordingly asked to the recruitment of officers of the Indian Army of six years' service in each of the years 1907 to 1910 in such numbers as may be required to keep the Burma police establishment at its full strength. The sanction was received in August 1907^d and four officers, and in 1908 five more, were appointed.

24. In January 1908 the Government of Burma submitted certain proposals for the formation of two additional police sub-divisions in Rangoon town by the creation of a new sub-division North of the river and by the separation of the municipal area South of the river from the charge of the port police officer and the creation of three appointments to be called Deputy Superintendents on Rs. 400, 500 and 600 to be held by the officers in charge of the proposed two new sub-divisions and of the port area, respectively. The Government of India were not satisfied as to the necessity for the increase of the establishment proposed and as regards the formation of the proposed sub-division North of the river, asked for further information in justification of the proposal. The further consideration of the proposals was however postponed for financial reasons.

25. Having decided to retain the military police force both in Upper and Lower Burma, the Government of India addressed the Secretary of State in

Burma military police, April 1906 on the subject of the permanent retention of the establishment

(a) Judl. des. no. 14, d. Mar. 29, 1907.
(b) F. D. des. no. 45, d. Feb. 13, 1908.

(c) Judl. des. no. 8, d. April 10, 1908.
(d) Tel. from S. of S. d. Aug. 21, 1907.

of commandants and assistant commandants hitherto sanctioned only on a temporary basis, recommending the local Government's proposals that the number of assistant commandants in Upper Burma should, in view of the disarmament of the hill tribes in the Chin Hills, be decreased by two and that the number of assistant adjutants in Lower Burma should be increased by the same number to provide for more effective inspection^a. The Secretary of State sanctioned these proposals^b. In March 1907 the Government of India again addressed^c the Secretary of State recommending a further proposal received from the local Government for the creation of two appointments of assistant commandant in order to provide a leave reserve for the establishment of commandants and assistant commandants of the Burma military police. The proposal was sanctioned by the Secretary of State in May 1907^d. On the ground that the strength of the Lower Burma military police had long been insufficient for the duties demanded of it the Government of Burma recommended in August 1906 an addition to it of 351 men. The proposal, involving an expenditure of Rs. 73,440 a year, was submitted to the Secretary of State and received his sanction in August 1907^e.

26. Certain proposals for decentralization in respect of minor matters connected with the administration of the Burma military police were sanctioned by the Government of India in June 1909 on the recommendation of the Government of Burma, devolution of powers being sanctioned both from the Government of India to the local Government and from the local Government to the Inspector-General of Police.

27. In September 1905 the Government of India submitted to the Secretary of State proposals for relieving the block of promotion in the gazetted ranks of the Burma police by transferring officers of the congested years, *i.e.*, officers recruited in 1886, 1887 and 1888, to other provinces of India, and by offering special retiring pensions to induce officers of the same years to retire or in the last resort by insisting on their retirement on such pensions.^f The rates of pension proposed were for seventeen years' service Rs. 3,500, eighteen years' Rs. 4,000, nineteen years' Rs. 4,200, twenty years' Rs. 4,400, twenty-one years' Rs. 4,500 and twenty-two years' 4,600 per annum. The Secretary of State approved these proposals in December 1908, subject to the remark that compulsory retirement should not be resorted to until every other means of relief had been exhausted^g.

28. In November 1906 the Secretary of State sanctioned^h the Government of India's proposals for the reorganization of the superior police establishment of Eastern Bengal and Assam. The revised establishment comprises one Inspector-General, 3 Deputy Inspectors-General, 28 superintendents, 29 assistant superintendents and 12 deputy superintendents, the extra annual cost of the revision amounting to Rs. 2,44,600. Pending the reorganization of the establishment, the Government of India, on the urgent representation of the local Government, sanctioned in June 1906, with the Secretary of State's approval, the immediate creation of seven appointments in the grade of deputy superintendentⁱ. With the sanction of the Secretary of State the superior police cadre of the Province was further strengthened^j at an

(a) F. D. des. no. 135, d. April. 26, 1906.

(b) Pub. des. no. 97, d. July. 6, 1906.

(c) F. D. des. no. 84, d. Mar. 7, 1907.

(d) Judl. des. no. 27, d. May 3, 1907.

(e) Judl. des. no. 58, d. Aug. 23, 1907.

(f) F. des. no. 819, d. Sept. 11, 1905.

(g) Public des. no. 157, d. Dec. 8, 190.

(h) Judl. des. no. 71, d. Nov. 9, 1906.

(i) Judl. des. no. 33, d. June 22, 1906.

(j) Judl. des. no. 49, d. Sep. 17, 1909.

additional expenditure of Rs. 1,10,400 a year. Proposals^a for the reorganization of the subordinate police establishment were submitted^c to the Secretary of State in November and sanctioned^b in December 1906. The revised establishment consists of 129 inspectors, 881 sub-inspectors, 1 sergeant (on Rs. 90—5-100), 1,109 head constables and 8,464 constables and the additional cost involved is Rs. 8,59,901 a year.

29. The detailed proposals for the reorganization of the Assam Military Police Eastern Bengal and Assam military police, which became necessary in view of the withdrawal of troops from the stations of Manipur, Kohima, Dibrugarh and Silchar were received from the Government of Eastern Bengal and Assam in June 1905 and August 1906. The main features of the proposal were (1) the reduction of the Silchar and Garo Hills battalions to detachments of 130 and 120 men respectively and the amalgamation of these detachments with the Lakhimpur battalion, (2) the establishment of a new battalion at Manipur, (3) the increase of the Lakhimpur battalion by the addition to its strength of 206 men and the division of the enlarged force into two battalions, (4) the addition to the Naga Hills battalion of 134 men, (5) either the location of a battalion of native infantry at Dacca or the formation there of a separate battalion of military police for service in Eastern Bengal, (6) the provision of a mounted escort for the Lieutenant-Governor and (7) the employment of a small detachment to work a saluting battery. Pending the consideration of the whole scheme the Government of India sanctioned,^e subject to the Secretary of State's approval, the appointment of an assistant commandant for the Naga Hills battalion. After some further correspondence with the local Government the Secretary of State was addressed on the subject in April 1907 and his sanction was asked^d to the entire proposals of the local Government. The Secretary of State in reply asked the Government of India to consider the question of locating at Dacca one of the battalions of native infantry now stationed in the province instead of employing military police in Eastern Bengal and suggested that the raising of the proposed Dacca police battalion might necessitate a decrease in the number of native troops in India. Meanwhile in view of the serious disturbances which had taken place at Comilla he sanctioned the immediate recruitment of 100 military police at Dacca and the appointment of a commandant. The Secretary of State also called the attention of the Government of India to the fact that since the scheme for the redistribution of the Army in India was formulated "symptoms of wide-spread unrest have been reported to exist in India" and asked in connection with the proposals submitted to him regarding the withdrawal of troops from Manipur, Buxa, Kohima and Dibrugarh and certain other stations that the question should be reconsidered in the light of recent events. The Secretary of State was again addressed in February 1909^f after consultation with the Local Government, and the proposals relating to the strengthening of the Dacca military police battalion were then sanctioned^e by him. The other proposals connected with the reorganization are still under his consideration.

30. In view of the lawlessness which prevailed in certain districts of Eastern Bengal and Assam and the unusual strain that had in consequence been put on the police officers of that province the Government of India at the request of the local Government temporarily strengthened the superior police cadre by the appointment at the beginning of 1908 of

(a) F. D. des. no. 885, d. Nov. 1, 1906.
(b) Judl. des. no. 81, d. Dec. 14, 1906.
(c) H. D. letter no. 1173, d. Nov. 23, 1905.

(d) F. D. des. no. 145, d. Apl. 25, 1907.
(e) H. D. tel. no. 191, d. Feb. 21, 1909.
(f) Tel. from S. of S., d. Sep. 8, 1909.

four officers from the other provinces," and with the sanction of the Secretary of State two more military officers were appointed in 1908 to the superior police cadre of the province. In August 1908, the Government of Eastern Bengal and Assam represented the urgent necessity of strengthening their police at the principal centres of jute trade and of providing additional patrols on the main river routes and the Government of the United Provinces was asked to lend for temporary service in Eastern Bengal and Assam, 1 inspector, 2 sub-inspectors, 10 head constables and 80 constables, which request was duly complied with.

31. In October 1908 the local Government represented the necessity for strengthening the Provincial Criminal Investigation Department and asked for sanction to the entertainment for a period of two years in the first place of the additional appointments of (1) a Superintendent and a Deputy Superintendent of Police to be in charge respectively of the Special (Political) Branch and Criminal Investigation work and (2) other subordinate staff in order to form a Political Branch of the police force in that province under the general control of the Deputy Inspector-General of Crime, Railways and Rivers. The Government of India sanctioned the proposals with certain modifications.⁵

32. In May 1907, the Government of Eastern Bengal and Assam asked for 200 additional men in order to strengthen the civil armed police and proposed to engage army reservists for temporary service to bring the armed police reserves up to the necessary strength. The Government of India considered that policemen would be more useful than reservists and accordingly asked the Governments of Bengal and the United Provinces to lend for temporary duty in Eastern Bengal and Assam, one inspector, one sub-inspector, eight head constables and one hundred constables of armed police each. A similar requisition was made in July 1907 for an additional hundred armed police from each of these provinces. These requests were duly complied with.

33. With the sanction of the Secretary of State two officers of the provincial civil service and three military officers were appointed to the superior police service in Eastern Bengal and Assam. Another proposal made by the local Government with a view to strengthening the superior police cadre was to appoint temporarily six additional deputy superintendents. The Government of India, however, did not consider that the proposal to appoint six deputy superintendents in addition to the sanctioned establishment of twelve would improve the present situation. The sanction of the Secretary of State to the creation of an additional appointment of superintendent of railway police in Eastern Bengal and Assam was received in October 1907.

34. In view of the pressing needs of the province two more officers were deputed for six months as additional superintendents of police and with the sanction of the Secretary of State two European Inspectors from Baluchistan and the United Provinces were appointed as assistant superintendents'.

55. Proposals for the reorganization of the superior grades of the police force in the Central Provinces and Berar were sanctioned by the Secretary of State

(a) { H. D. tel. no. 145, d. Feb. 3, 1908.
H. D. tel. no. 416, d. Mar. 26, 1908.
(b) H. D. letter no. 272, d. Mar. 12, 1903.

(b) H. D. letter no. 272, d. Mar. 12, 1903.

(e) H. D. letter no. 476, d. May 14, 1909.

(c) { Tel. from S. of S. d. July 9, 1907.
Tel. " " Oct 2, 1907.
(d) Judl. des. no. 69, d. Sep. 27, 1907.
May 14, 1909

(d) Judl. des. no. 69, d. Sep. 27, 1907.
May 14, 1909

in August 1906^a. The revised establishment consists of one Inspector-General, 2 Deputy Inspectors-General, 28 superintendents and 25 assistant superintendents, the extra cost involved in the revision amounting to Rs. 1,64,802 a year. In July 1906 the Secretary of State agreed to the immediate creation of four appointments in the new grade of deputy superintendent^b. The total requirements in respect of this grade were included in the proposals (sanctioned in December 1906^c) for the revision of the subordinate police establishment, which comprises 17 deputy superintendents, 147 inspectors, 669 sub-inspectors, 1,706 head constables, 25 sergeants and 9,299 constables, the additional expenditure involved being Rs. 10,58,975 a year.

36. The revision of the subordinate police establishment in Coorg was sanctioned by the Secretary of State in June 1906^d. The new strength is 4 inspectors, 22 sub-inspectors, 28 head constables and 212 constables, and the changes involve an additional expenditure of Rs. 28,122 a year.

37. The proposals of the Chief Commissioner for the immediate and final revision of the subordinate police of the North-West Frontier Province provided for an increase in the pay and strength of inspectors, sub-inspectors, head constables, and constables, for the formation of a Criminal Investigation Department and for the grant of certain local and other allowances, and involved a net increase of Rs. 1,60,435 a year for immediate, and of Rs. 2,81,959 for final, requirements. The Government of India left it to the Chief Commissioner to introduce immediately such reforms as he thought best on a scale not exceeding Rs. 76,000 a year and with effect, in regard to increase of salaries, from the 1st April 1905.^e They approved with slight modifications his proposals for the final revision of the force and called for a revised proposition statement for submission to the Secretary of State.

38. In March 1907 the Government of India sanctioned an additional grant of Rs. 21,000 for meeting certain police charges in this Province. In June 1907, the Chief Commissioner was authorised to incur expenditure, amounting to Rs. 9,000, for raising the pay of inspectors, sub-inspectors and constables, under 17 years' service. The Secretary of State's sanction to the revision of the subordinate police establishment in this province was received in September 1907^f. The revised establishment comprised 35 inspectors, 138 sub-inspectors, 426 head constables and 3,206 constables and includes a municipal establishment of 1 inspector, 6 sub-inspectors, 44 head constables and 450 constables. The additional expenditure involved is Rs. 2,07,618, of which the sum of Rs. 8,988 is debitable to municipalities. In December 1907 sanction was given to the allotment of Rs. 40,000 for police reform in the North-West Frontier Province. The Government of India considered that this amount would be sufficient for the introduction of the complete scheme of police reorganisation in the Province in 1907-08.

39. The Government of India deferred the consideration of village police systems in the several provinces pending disposal of the more emergent schemes resulting from the report of the Police Commission. The matter was taken up in 1907 and in response to suggestions from the Government of India

(a) Judl. des. no. 48, d. Aug. 17, 1906.
(b) Tel. from S. of S., d. Jul. 31, 1906.
(c) Judl. des. no. 77, d. Decr. 7, 1906.

(d) Judl. des. no. 31, d. Jan. 22, 1906.
(e) H. D. letter no. 1251, d. Dec. 8, 1905.
(f) Judl. des. no. 62, d. Sep. 6, 1907.

the Government of Madras issued in March 1908 orders with a view to improve the existing state of the village police organisation in that Presidency. The Government of the Punjab prepared a draft bill containing provisions under three main subjects, *viz.*, (a) the grant of powers to selected village headmen and others, (b) the extension of the system of communal responsibility in dealing with crime and (c) the extension to certain parts of the province of the jirga system which is in force under the Frontier Crimes Regulation, III of 1901. Sir Denzil Ibbetson before whom the draft was laid was ready to accept the proposal regarding village headmen, but was strongly opposed to taking up any legislation on the other two points mentioned. He considered that a Bill dealing only with the question of criminal powers to village headmen would be unsuitable, and he decided that the consideration of the whole subject should for the time being be postponed. The present Lieutenant Governor will now reconsider the questions involved and will also ascertain whether any steps can be taken towards the undertaking of some system of panchayats for dealing with small civil cases.

The Government of India refrained from passing any orders on the schemes put forward by the Governments of Bengal and Eastern Bengal and Assam on the subject of the development of village government and the improvement of the rural police in those provinces pending the consideration of the proposal to abolish the *chaukidari* tax and to transfer to Government the charges on account of the rural police. For similar reasons the consideration of the draft bill submitted by the Bengal Government to amend the Chota Nagpur Rural Police Act, 1887 was also deferred. The Government of Eastern Bengal and Assam has been asked to submit a report regarding the village police system in Eastern Bengal and Assam as a whole and not of the Assam Districts only,^a and as it has now been decided that there is no immediate prospect of abolishing the cess owing to the very heavy cost which would be involved, the consideration of the question of Village Police in the various provinces and particularly in connexion with the proposals of the Decentralisation Commission, will no longer be deferred.

40. Having received proposals from the Government of Burma for relieving district superintendents of police of their existing obligations in respect of the audit and accuracy of their accounts, the Government of India approved in December

Responsibility of district superintendents of police in respect of the audit and accuracy of their accounts.

1906 the adoption as a tentative measure for two years of a system of peripatetic inspection by the local fund department auditors, whereby district superintendents, while not relieved of the sole responsibility for and control over their account work, would be assisted by expert auditors who would examine their registers and advise them as to the best way of meeting their responsibilities.^b In December 1908, the Government of Burma recommended the permanent retention of the system. The Government of India sanctioned^c the proposal on the distinct understanding that Superintendents will not be relieved of the sole responsibility for and control over their account work and that the work of the peripatetic staff will not be that of a regular audit but that it will be educative and strictly confined to inspection with suggestions for improvement in method and system. In February 1910, on the recommendation of the Government of Eastern Bengal and Assam, the Government of India, approved^d

(a) H. D. letter no. 301, d. March 20, 1909.

(b) H. D. letter no. 121, d. Dec. 18, 1906.

(c) H. D. letter no. 176, d. Feb. 16, 1909.

(d) H. D. letter no. 154, d. Feb. 14, 1910.

of the extension of this system to the inspection of the civil and military police accounts in that province.

41. In September 1907, the Secretary of State asked the Government of India for their views on a proposal to institute a decoration to be open to members of police forces throughout the Empire. The Government of India in reply welcomed the proposal and furnished information as to the nature of the services now rendered by the Indian police which might suitably in their opinion be rewarded by a decoration^a. In August 1903, the Secretary of State forwarded^b a copy of the statutes establishing the "King's Police Medal" and also of regulations relating thereto which were republished in India. Instructions were also issued to local Governments and Administrations to submit their recommendations to the Government of India not later than the 15th of August every year.

42. In September 1907 the sanction of the Secretary of State was asked^c to the proposal of the Government of Burma that service as a volunteer in South Africa during the Boer war should be allowed to count towards the leave and pension of a civil officer, provided it would have so counted had he remained on duty in India. In recommending the case to the Secretary of State the Government of India considered that it was most undesirable that an officer temporarily relinquishing appointment under a Government of a portion of the Empire and accepting exceptional Imperial service elsewhere should be required to forfeit the prospects of emoluments to which he would be entitled if he had not accepted such special Imperial service. Such emoluments were very carefully guarded in the case of Colonial officers accepting Imperial service in South Africa, and the Government of India were of opinion that the safeguards which were applied to the officers of practically independent Governments should be applied equally to the officers of the Government of India. The matter is still under the consideration of the Home authorities^d.

43. In June 1907, the Government of India asked the Secretary of State to authorise them to make appointments to the superior police of specially qualified officers in other branches of the civil administration and of military officers to fill gaps in the cadres of local Governments which were short-handed and in urgent need of men. The Secretary of State did not agree^e that such appointments should be made without reference to him.

44. As a result of the recommendations of the Police Commission the Government of Lord Curzon decided that there should be a single Police Act for the whole of India. A Bill was accordingly prepared and circulated to local Governments in June 1905. The principal amendments of the existing law proposed in the draft bill were:—(1) the inclusion of the Presidency towns and Rangoon in the general police district of the province and the extension of the authority of the Inspector-General of police to those places, (2) power was to be taken to appoint police officers for police forces employed on railways, rivers or canals, and to empower officers in charge of police stations of the railway police to exercise their functions in the limits

(a) H. D. des. no. 3, d. Feb. 13, 1903.

(b) Colonial des. no. 82, d. Aug. 20, 1909

(c) F. D. des. no. 363, d. Sep. 19, 1907.

(d) Finl. des. no. 105, d. May 13, 1909.

(e) Judl. des. no. 34 d. Sept. 6, 1907.

of district police stations through which their length of railway line runs, (3) the respective powers of the District Magistrate and the superior officers of the Police Departments were defined, (4) the regulation of appeals by police officers was provided for, (5) it was proposed to empower the police to take finger prints, and (6) to empower local Governments to make rules for the purposes of the Act. The Bill also repealed the existing Madras and Bombay Police Acts. After considering the criticisms of the local Governments it was decided not to proceed with the Bill and it was accordingly dropped^a. The attention of the local Governments was, however, invited to the clauses of the Bill regarding the control and management of the police forces and they were asked to consider the question of modifying their existing practice so as to bring it as nearly as possible into agreement with the provisions of those clauses.

45. In connection with the disturbance at Rajahmundry in May 1907 the Madras Government ordered the despatch of 200 troops to that place, to aid the civil power in quelling it. The Government of India took exception^b to this procedure on the ground that the situation was not so serious as to necessitate the employment of troops and that the police were sufficient for the purpose. They also laid stress on the rule that the military should be called out in aid of the civil power only when the situation becomes so serious as to render the use of force imperative. These orders were also circulated to other local Governments, for guidance. Attention was also invited to the instructions in the Army Regulations, India, which lay down that it is for the military authorities alone on receiving a requisition for troops to decide what the strength and composition of the force should be.

46. In November 1907, the Secretary of State asked the Government of India to issue instructions that the practice of hand-cuffing prisoners under trial while being escorted to and from court by the police should be discontinued, except when there was a reasonable expectation that such prisoners would use violence or that an attempt would be made to rescue them. Instructions were issued to local Governments accordingly^c.

47. In September 1906, the Government of the United Provinces recommended that the benefits of the Police officers' Provident Fund which were open only to officers of or above the rank of assistant superintendent of police should be extended to the newly created class of deputy superintendents. The Government of India accepted the proposal which was also sanctioned by the Secretary of State and the rules of the fund were amended accordingly^d.

48. While dealing with the proposals for the reorganization of the old Thagi and Dakaiti Department in April 1904, Mr. Brodrick remarked that until further experience was gained of the work of the new Criminal Intelligence Department it would be sufficient to appoint a Director and a Deputy Director, but that, if experience showed that a third officer was necessary, he would have no objection to the appointment of an Assistant Director. After an experience of the new department extending over two years, the Director (Sir Harold Stuart) submitted to the Government of India in April 1906 a strong recommendation

(a) H. D. letter nos. 1289-96, d. Dec. 7, 1907.

(b) H. D. letter no. 839, d. Aug. 3, 1907.

(c) H. D. letter nos. 1259-08, d. Dec. 19, 1907.

(d) { F. D. des. no. 425, d. Dec. 6, 1906.
Finl. des. no. 13, d. Jan. 18, 1907.

that the appointment of Assistant Director should at once be created and that a small staff should be given to assist him in making special inquiries. The Government of India submitted the proposal to the Secretary of State who sanctioned it in August 1903^a.

49. In September 1907, the Government of India represented^b to the Secretary of State that owing to the great development of political agitation of all kinds during the past two years the mass of newspaper matter and confidential reports which required to be examined, digested and collated had become so voluminous that the Home Department and the Director of Criminal Intelligence were no longer able to cope with it and that the immediate creation of a post of Personal Assistant to the Director of Criminal Intelligence and the appointment thereto of an officer of the Indian Civil Service on the pay of an Under Secretary, *i.e.*, Rs. 1,300 a month was necessary. The Secretary of State sanctioned the appointment as a temporary arrangement for three years, but directed that the officer selected should draw the pay which he would draw in the regular line, subject to a maximum of Rs. 1,200.^c The Government of India considered this salary to be inadequate and that the orders would inflict considerable hardship on the officer selected, Mr. J. C. Ker, I.C.S. They accordingly renewed^d their original recommendation, adding that if the Secretary of State was still unwilling to accept it, a local allowance of Rs. 350 per mensem should be attached to the appointment. This latter proposal was sanctioned in April 1908.^e

50. In accordance with the general principle laid down by the Police Commission and accepted by the Government of India three general police districts were created for (1) the Great Indian Peninsula and Southern Mahratta Railway police, (2) the Bombay Baroda and Central India Railway police and (3) for the police on the railways in Sind. General police districts were also constituted embracing all the lands occupied by certain railways lying within the United Provinces, Eastern Bengal and Assam and the Punjab, the Central Provinces and the North-West Frontier Province.

51. On a reference received from the Government of Madras, the Government of India decided that as the Commissioners of Police in Madras and Rangoon had in consequence of the reorganization been graded with the Deputy Inspectors-General of Police, who had recently been declared eligible for the additional pension of Rs. 1,000 a year admissible to certain officers under article 475, Civil Service Regulations, they should also be declared eligible for the concession. A recommendation to this effect was made to the Secretary of State who sanctioned the proposal.^f

52. In September 1906 the Government of India decided that for the present the powers of the Inspector-General of Police should, in the case of Sind, be exercised by the Deputy Inspector-General, who was in closer touch with the Commissioner than the Inspector-General himself could be.^g Subject therefore, to the condition that all proposals relating to organic changes in police arrangements or procedure should be

Creation of an appointment of Personal Assistant to the Director of Criminal Intelligence.

Creation of general railway police districts.

Eligibility of the Commissioners of Police in Madras and Rangoon for an additional pension of Rs. 1,000 a year.

Delegation to the Deputy Inspector-General of Police in Sind of the Powers of the Inspector-General.

(a) F. D. des. no. 226, June 28, 1906.
(b) Tel. from S. of S., d. Aug. 22, 1906.
(c) F. D. des. no. 351, d. Sep. 12, 1907.
(d) Tel. from S. of S. d. Oct. 30, 1907.

(e) F. D. des. no. 43, d. Feb. 13, 1908.
(f) Judl. des. no. 7, d. April 3, 1908.
(g) Finl. des. no. 167, d. Nov. 15, 1907.
(h) H. D. letter no. 856, d. Sep. 1, 1906.

submitted to the Governor in Council and that the Inspector General should have authority to make inspections in Sind and to report the results to the Commissioner, and if he should think fit to the Governor in Council, the Government of India sanctioned the delegation to the Deputy Inspector-General in Sind of such powers of the Inspector-General as the Governor in Council might direct. And further, as the Sind Railway is entirely separated from the railway systems of the presidency proper, they also decided that the police on it should be under the local Deputy Inspector-General instead of under the Deputy Inspector-General for Railways in the presidency proper, but that the latter in respect of his functions as head of the criminal investigation department should have power to extend his operations to Sind and should give assistance to the Sind police when required. The local Government were, however, advised that these exceptional arrangements must either be modified or cease altogether, when the means of communication between Sind and Bombay were improved.

53. In 1905 the Government of India sanctioned, with the approval of the Secretary of State, the employment, as an experimental measure, of Mr. C. R. Hardless as an expert in handwriting for a period of one year. In 1906 the Director, Criminal Intelligence, recommended that Mr. Hardless's appointment should be made permanent, reporting in detail the exact nature of the work which he was called upon to perform. The proposal was submitted to the Secretary of State who sanctioned it.

54. In March 1906 the Government of India addressed the Secretary of State on the subject of relieving assistant superintendents of police to some extent of the difficulties which they experience in meeting the cost of their uniforms, saddlery and horses on first arriving in India, suggesting the advisability of laying it down as an ordinary condition of appointment to the police department that a successful candidate should be supplied by his parents or guardians either with a uniform or with the cost of it, and with not less than £50 for the purchase of a horse and saddlery in India.⁵ In any case in which the candidate's parents represented that the provision of such a sum was beyond their power or was very inconvenient, the Government of India suggested that the condition should be dispensed with and that the candidate on arrival in India should be eligible for an advance not exceeding Rs. 1,000, to be recovered without interest in equal instalments of Rs. 50 a month, the payment of which should begin two months after his arrival. The Secretary of State accepted these proposals,⁶ and in forwarding a copy of the correspondence to the local Governments and Administrations for information, the Government of India announced that with a view to the further reduction of the initial expenses of probationary assistant superintendents, they had decided that these officers should be granted either quarters free of rent or a house-rent allowance of Rs. 25 a month while undergoing instruction in a training school.⁷

55. In February 1905 Mr. Brodrick accepted the Government of India's proposal that a general uniform should be prescribed for all gazetted European officers of the Indian police establishment.⁸ Regulations giving the details of a standard

(a) F. D. des. no. 121, d. Apl. 19, 1906.
(b) F. D. des. no. 25, d. June, 1, 1906.
(c) F. D. des. no. 87, d. Mar. 22, 1906.

(d) Judl. des. no. 20, d. May 11, 1906.
(e) H. D. letter nos. 829-39, d. Aug. 28, 1906.
(f) Judl. des. no. 9, d. Feb. 17, 1906.

pattern of uniform were accordingly drawn up and after being submitted to the criticism of the local Governments in accordance with which certain alterations were made, were published in March 1907 for general adoption."

56. In April 1907, the Government of India, appointed^a a Committee to

Report of the Committee appointed to investigate the apportionment of cost of railway police between the Railway Companies and Government.

consider, with reference to a representation submitted to them by the Indian

Railway Conference Association, how far the present distribution of the cost of railway police is in accordance with the principles laid down in 1897 and whether those principles require any, and if so, what modifications. The Committee submitted their report in June 1907 after examining the whole position. The Government of India invited the views of local Governments and the Railways Administrations on the Committee's proposals and have decided to recommend to the Secretary of State with slight modifications the acceptance of the Committee's proposals. The Committee while upholding the main principle of the previous orders that the cost of the Railway Police should be shared between Government and the railways, recommended the abandonment of the arbitrary rule which had made the cost divisible in the proportion of $\frac{3}{10}$ and $\frac{7}{10}$ and the adoption in its stead of a system by which the cost of the rank and file of so much of the force as is required for what they termed "order duties" should be borne entirely by the railways, that the cost of the rank and file of the "crime" staff, including the cost of the Deputy Inspector-General and his establishment should be borne entirely by Government, and that the cost of the supervising staff as a whole should be distributed between the Government and the railways in the proportion of $\frac{3}{4}$ to $\frac{1}{4}$. They also recommended that the cost of the staff employed for watch and ward of Railway goods and premises should be entirely excluded from the calculation of the total cost to be shared. It is anticipated that the acceptance of the Committee's recommendations as modified by the Government of India will result in a much fairer distribution of the cost and in the removal of many difficulties of Railway Police administration.

57. After a careful consideration of the proposal made by the Police Com-

Proposed reduction in the period of service qualifying for pension in the Police Department.

mission for the reduction of the period of service in the police department qualify-

ing for pension, the Government of India decided^c in December 1905 to make no alteration in the existing rules. Memorials from Police officers in several provinces have since been received against this decision and the question is being further examined by the Government of India in correspondence with the Secretary of State^d.

58. The introduction of the improved scale of pay was made an occasion for discontinuing the grant of exchange

Withdrawal of exchange compensation allowance.

compensation allowance to all future

entrants into the police service. In the case of the superior grades the order withholding the grant applies to officers appointed in or after the year 1906^e. In the case of the subordinate establishment no officer appointed after December 18, 1905, is eligible for the grant^f.

59. In connection with the police reorganization scheme the Government of Bengal recommended that the police department should be entrusted so far

Construction of police buildings.

(a) H. D. notifi'n. no. 229 d. Mar. 8, 1907.

(b) H. D. resolu. nos. 357-65, d. Apl. 13, 1907.

(c) H. D. letter nos. 1238-1247, d. Dec. 4, 1905.

(f) H. D. res. nos. 1293-1304, d. Dec. 18, 1905.

(d) Finl. des. no. 85, d. Feb. 17, 1905.

(e) { Pub. des. no. 149, d. Nov. 17, 1905.

{ H. D. reslu. no. 76-86, d. Jan. 26, 1906.

as possible with all work in connection with police buildings in Bengal, except in towns and the head-quarters of districts, and that the limit of the power of the Inspector-General of Police to sanction expenditure should be raised to Rs. 2,500 in respect of such work. The Government of India agreed to the proposal and brought it into force in all provinces*.

60. Under the existing provisions of the Criminal Tribes Act no tribe can be proclaimed and registered unless it is at the same time settled and provided with the means of living. With the sanction of the Secretary of State it was decided in March 1910 to introduce a Bill in the Governor-General's Council with a view to amend the Act so as to enable local Governments to proclaim criminal tribes, and provide for the registration of their members, without reference to the possibility of settlement or of the provision of means of living^b.

61. In March 1906 the Government of India, finding no provisions in the Civil Service Regulations (save in Article 85 which was framed to meet the needs of a different class of officer) for the deputation, and remuneration on deputation, of subordinate police officers required to proceed to Europe or the Colonies in charge of criminals or lunatics, recommended to the Secretary of State that to these officers full pay should be granted for the entire period of their absence from India and that in addition they should, like other officers deputed to Europe and elsewhere out of India, be given, besides actual travelling expenses, a subsistence allowance of 10s. 6d. a day in the case of inspectors, 8s. 6d. a day in the case of sergeants and 6s. a day in the case of constables. They further requested authority to sanction deputations on these terms without reference to the Secretary of State, and to delegate powers of sanction to local Governments and Administrations when the cost of the deputations is to be met from provincial revenues. The Secretary of State sanctioned^c the proposal in May 1906. As the rank of European constable disappeared in the reorganization, the lowest rate of subsistence allowance was discontinued.*

62. At the instance of the Government of Bombay the sanction of the Secretary of State was obtained to the proposal that the permission granted to the Commissioners of Police in presidency towns and District Magistrates elsewhere to correspond directly with British officials in the United Kingdom and the Colonies regarding criminal matters actually under investigation or any matter connected with police intelligence should be extended to all Inspectors-General of Police and to the Director of Criminal Intelligence.^d

63. On a representation that the two detailed statements submitted quarterly by local Governments regarding counterfeit coining had served their purpose by causing a careful scrutiny of all sentences passed and arousing courts and magistrates to the importance of coining cases and might now be dispensed with, the Government of India directed the total discontinuance of the return showing all cases of counterfeit coining and the submission annually instead of quarterly of the statement prepared for the use of the

(a) H. D. letter nos. 116-25, d. Feb. 2, 1906.
(b) Tel. from S. of S. Mar. 8, 1910.
(c) F. D. des. no. 85, d. Mar. 15, 1906.

(d) Judl. des. no. 24, d. May 18, 1901.
(e) H. D. letter no. 206, d. Mar. 2, 1907.
(f) { H. D. des. no. 8, d. Dec. 14, 1906.
Judl. des. no. 4, d. Jan. 26, 1907.

Finance Department showing the actual manufacture and sweating of coins^a.

64. In 1901 the local Governments accepted the proposal of the Government of India to relieve the army, so far as might be found possible, of the duty of furnishing guards over civil buildings, but the final disposal of the case was deferred pending the receipt of further information from the Governments of Bombay and Bengal. This was received in 1906 together with details of the additional police required to replace the military guards. The estimates were examined by the Government of India and revised proposals called for^b. The Government of Bombay submitted their proposals in April 1907 and arrangements were made for relieving the military guards over the Bank of Bombay in Karachi and Bombay, over the Paper Currency office and the Mint^c. As certain questions affecting the Calcutta Mint are under consideration, the proposal to re-place by armed police the military guards over the Mint, the Currency Office and the Bank of Bengal has been deferred for the present.

65. In October 1906 the Chief Commissioner of the Central Provinces submitted a proposal that the concession allowable under article 1109 (i) of the Civil Service Regulations to jail warders on transfer of enhanced rates of travelling allowance when journeying with their families should be extended to police constables when transferred from one district to another in the interests of the public service. The Government of India asked^d for the opinion of other local Governments and Administrations on the Chief Commissioner's suggestion, and, the proposal being generally accepted by local Governments, was sanctioned^e by them in June 1908.

(a) H. D. letter no. 1311-21 and 1321-32, d. Dec. 19, 1905.

(b) H. D. letter no. 55C, d. May 26, & no. 575, d. June 5, 1906.

(c) H. D. letter no. 284, d. March 5, 1908.

(d) H. D. letter nos. 159-67, d. Feb. 19, 1907.

(e) H. D. resn. nos. 742 751, d. Jun. 26, 1906.

CHAPTER VII.

PENAL.

(a) INDIAN JAILS.

1. Rules were prescribed by the Government of India in 1886 regarding the industries which might be carried on in jails, the determination of the price

Jail industries.

of the articles produced and the extent to which competition with private manufacturers should be permitted.^a Since then, however, circumstances have changed, and there has been in particular a great development in industries carried on by private capital. With a view to an examination of the question of revising the rules to suit present conditions, local Governments were in 1906 asked for detailed reports on the present character and methods of jail industries, and for their opinions regarding the principles which should govern the choice of industries to be adopted^b. Exhaustive replies have been received, but the questions raised are still under the consideration of the Government of India.

2. In July 1905 Mr. Brodick sanctioned certain proposals made by Lord

Improved rates of pay of Indian Medical Service Officers of the Jail Department.

Curzon's Government for improving the pay of officers of the Indian Medical

Service in the Jail Department. Existing incumbents were permitted to choose between the old and new scales, on the understanding that when the existing pay of an officer choosing the new scale was in excess of that therein laid down he might continue to draw the pay which he then received until he became entitled to an increase under the new scale. This rule was however found in practice to afford insufficient protection and in some cases entailed heavy loss which would not be made good for a considerable number of years. The Government of India therefore recommended^c to the Secretary of State that any officer already in the department, whether permanently or on probation, on the 1st April 1904, when the improved rates of pay came into effect, should be permitted to select the date, if any, from which he should come under the new scale, and that the election might be made at any time and when made should be final. These proposals were accepted by the Secretary of State.^d

3. Representations were received from the Governments of Bengal and

Improved rates of allowances to Indian Medical Service Officers without permanent medical charge of native regiments appointed to officiate in the Jail Department.

Bombay in September and October 1906, regarding the rates of pay admissible under the revised scale to officers of the Indian Medical Service holding officiating

appointments in the Jail Department. It was pointed out that the rates admissible were sufficient in the case of officers who at the time of appointment were holding permanent medical charge of native regiments, but that officers not holding this position were less favourably placed. In order to remove the disparity, to simplify the orders and to induce officers to join the department without waiting to secure permanent regimental appointments, the Government of India recommended^e that an officer without a permanent regimental charge, when appointed to officiate in the Jail Department, should be given the same

(a) H. D. resn. no 10-605-18, d. May. 7, 1886.

(b) H. D. letter no. 151-160, d. Aug. 10, 1906.

(c) F. D. des. no, 113, d. Mar. 28, 1907.

(d) F. D. des., no. 76, d. March 7, 1907.

(e) Judicial, des. no. 31, d. May 31, 1907.

rate of officiating allowance as he would receive under articles 114-116 of the Civil Service Regulations if he were holding permanent medical charge of a regiment; in other words, that the staff allowances for the charge of 1st and 2nd class central jails should not be less than Rs. 225 and Rs. 175, respectively. The proposal was accepted by the Secretary of State.^a

4. In May 1907 the Government of Bombay recommended that for the purposes of Article 309 of the Civil Service Regulations, with regard to the proportion of officers that may be on leave or furlough at one time, officers of the Indian Medical Service in the Jail Department should not be included in the list of covenanted medical officers in civil employ. The Government of India accepted^b the proposal the effect of which is that the number of Jail Department officers who may be granted leave at the same time is now calculated on the total number of officers of the Indian Medical Service in that department, this total being excluded from the number of Indian Medical Service officers holding sanctioned appointments in each province, on which the number of officers who may be simultaneously on leave in that province is calculated.

5. In 1906 the Government of the Punjab recommended the appointment of an additional officer to the Jail Department to relieve the superintendent of the Lahore central jail of the additional charge of the female and district jails. The Government of India decided after some discussion to constitute the charge of the two latter jails a separate appointment on the pay of a superintendent of a 2nd class central jail. The proposal was referred^c to the Secretary of State and was sanctioned^d by him.

6. In April 1907 the Government of Eastern Bengal and Assam requested that the scale of allowances paid to medical officers for the administrative charge of jails in Assam should be applied to the jails of the districts transferred from Bengal, in which a different scale obtained. The Government of India accepted^e the proposal and obtained^f the sanction of the Secretary of State thereto.

7. The Government of Eastern Bengal and Assam submitted proposals early in 1907 for the amalgamation in one list of the appointments of jailors, deputy jailors and assistant jailors in the districts transferred from Bengal and those existing on the original Assam cadre, and for the alteration of the rates of pay attached to the Assam appointments, where necessary, in order to secure uniformity of grading. The proposals were after revision accepted by the Government of India and were submitted^g to the Secretary of State, whose approval was obtained^h. The jail warder establishments of the two portions of the new province were also assimilatedⁱ, as regards pay, about the same time.

8. In January 1907, the Chief Commissioner of the North-West Frontier Province submitted proposals for the reorganisation of the subordinate jail

Re-organization of the subordinate jail establishment of the North-West Frontier Province.

(a) Judl. des. no. 33, d. June 14, 1907.
(b) H. D. res. nos. 35-47, d. Jan. 30, 1908.
(c) F. D. des. no. 384, d. Oct. 25, 1906.
(d) Judl. des. no. 84, d. Dec. 21, 1903.
(i) H. D. letter no. 118, d. June 20, 1907.

(e) F. D. des. no. 243, d. July 4, 1907.
(f) Pub. des. no. 129, d. Aug. 30, 1907.
(g) F. D. des. no. 85, d. Mar. 7, 1907.
(h) Judicial, des. no. 23, d. April 19, 1907.

establishment of the province with the same grades of pay as those obtaining in the Punjab, and for the grant of a small frontier allowance in order to remove the discontent among existing members of the service and to facilitate the recruitment of a better class of men. The proposals were sanctioned by the Government of India.

9. In June 1908 the Government of Bengal represented that the jail warden staff suffered under considerable disadvantages as regards pay, absence of pension and the illiberal nature of the leave rules, and that these grievances had been accentuated by improvements in the conditions of the police service, which is recruited from a similar class of men. The revision of the warden establishment was therefore proposed. These proposals, which involved an expenditure of Rs. 36,118-4 per annum, were sanctioned^b in August 1908 and in October 1908 the Government of India also sanctioned^c the extension of Art. 288 of the Civil Service Regulations to head warders, warders and orderlies of the Bengal Jail Department whose pay does not exceed Rs. 20 per mensem.

10. In September 1907 the Government of Eastern Bengal and Assam brought to notice the deficiency in prison accommodation in the province and proposed that, besides minor additions to district jails, central jail accommodation should be provided by enlarging the Comilla district jail and raising its status to that of a central jail. It also recommended that the establishment should be increased to that of a central jail and that the allowance given to the medical officer for holding administrative and medical charge should be raised from Rs. 100 to Rs. 300 a month, with free quarters. The Government of India accepted^d the proposals and obtained the Secretary of State's sanction^e.

11. In February 1910 the Government of Madras submitted proposals for the conversion of the district jail at Vizagapatam into a central jail of the second class and the appointment of an officer of the Indian Medical Service as superintendent. The reasons for the proposals were the necessity for enlarging the jail owing to continuous overcrowding and for relieving pressure in other jails in the Northern Circars; the desirability of providing the organization and discipline of a central jail for dealing with the large number of long term prisoners confined in this jail; and to relieve the District Sanitary and Medical Officer not only of the charge of the jail but also of the Lunatic Asylum, which would form a portion of the jail superintendent's duties and render that appointment more attractive by the addition to its pay of the allowance for the charge of the asylum. The Government of India agreed to the necessity for the proposals and recommended^f them to the Secretary of State for sanction.

12. In November 1906 the Government of the United Provinces pointed out that there was nothing to insure that prisoners belonging to Native States, who were released from British jails subject to such police surveillance in their own states as the local Government

Revision of the pay and position of the jail warden establishment in Bengal.

Raising of the status of the Comilla district jail to that of a second class central jail.

Conversion of the Vizagapatam district jail into a second class central jail and the appointment of an officer of the Indian Medical Service as superintendent.

Procedure for the disposal of convicts belonging to Native States who are released subject to police surveillance from British jails.

(a) H. D. letter no. 90, d. April 30, 1907.
(b) H. D. letter. no. 191, d. Aug. 26, 1908.
(c) H. D. letter no. 233, d. Oct. 10, 1908.

(d) F. D. des. no. 53, d. Feb. 20, 1908.
(e) Judicial des. no. 9, d. Apr. 10, 1908.
(f) F. D. des. no. 136, d. Jan. 2, 1910.

might prescribe, actually left British territory, and it accordingly suggested that on release they should be escorted to the border of the state to which they belonged, and there be made over to the charge of an officer of the State, arrangements being made with the Durbar for their being kept under observation during the period of remission. The Government of India approved the suggestion in regard to prisoners belonging to states marching with British India, but were disposed to think that prisoners belonging to other states should be forwarded under escort to the political officers of the states concerned. Before actually issuing orders for the introducing of this procedure the Government of India requested^a the views of local Governments and Administrations on the subject. Their replies have been received and are still under consideration.

13. In consequence of the transfer to the Yeravda central jail of all the Increased rate of pay of the superintendent of the Yeravda central jail press. envelope printing from the Bombay Government central press, and in view also of a proposal to transfer to it all the standard form printing, the Government of Bombay recommended, in December 1906, that the pay of the superintendent should be increased from Rs. 300 to Rs. 350—30—500 a month with free quarters. The Government of India accepted^b the proposal and obtained the sanction^c of the Secretary of State thereto.

14. In August 1908 the Government of Bengal represented that the pay of Increase to the pay of the Superintendent of Jail Manufactures in Bengal. the Superintendent of Jail Manufactures in Bengal was inadequate on account of the increased cost of living in Calcutta and the increased work and responsibilities of the post owing to the greater demand for jail manufactures and the introduction of more complicated machinery. They accordingly recommended that his pay should be increased from Rs. 750 to Rs. 750—50—1,000 a month. The Government of India considered that a salary of Rs. 700—40—900, without exchange compensation or house rent allowances, would be sufficient; and recommended^d this modified proposal to the Secretary of State, who sanctioned^e it.

15. In March 1906 the Government of the Punjab submitted a copy of a Inquiry into the suitability of jail dietaries. report prepared by Major Macnamara, I. M. S., Inspector General of Prisons, in which he pointed out that the dietaries in many prison administrations were unsuitable. Before considering the amendment of the diet scales of the province the local Government inquired whether the Government of India were disposed to consider the question on a larger scale. The Government of India were in favour of holding a general inquiry, but were unable to proceed at once in the matter as the services of a suitable officer were not available. In November 1907 they were informed by the Sanitary Commissioner that Captain McCay, I.M.S., Professor of Physiology in the Calcutta Medical College, was well qualified to conduct the inquiry. The Government of India therefore arranged that that officer, with the help of his three assistants in the Physiological Department, should conduct the inquiry, but that for the present it should be confined to the jails of Bengal and be carried on in addition to the officers' other duties, allowances being granted for the additional work. The Secretary of State's

(a) H. D. letter no. 79.-87, d. April 30, 1907.

(b) F. D. des. no. 81, d. Mar. 17, 1907.

(c) Pub. des. no. 2, d. Jan. 1, 1909.

(e) Judl. desp. no. 17, d. April 19, 1907.

(d) F. D. des. no. 315, d. Oct. 29, 1908.

sanction was obtained^{a b} to the grant of the local allowances. In May 1908, the Sanitary Commissioner reported that the inquiry would take longer than was at first anticipated, and on his recommendation the Secretary of State's sanction was obtained^c to the continuance of the allowances of the officers conducting the inquiry until the 31st March 1909. A further extension to the 31st March 1910 was subsequently sanctioned by the Secretary of State^d, the scope of the inquiry being enlarged so as to extend to the jails of Eastern Bengal and Assam and the United Provinces. The Government of India further sanctioned the employment of another Assistant Surgeon to assist Captain McCay and granted^e him an allowance of Rs. 40 a month in addition to his grade pay. Captain McCay's report of the result of the inquiry, however, has not yet reached the Government of India.

16. In November 1907 the Secretary of State forwarded^f copies of an order of the King in Council embodying regulations as to the removal and return of prisoners and criminal lunatics under the provisions of the Colonial Prisoners' Removal Act, 1884. The order necessitated a slight change in the rules laid down by Lord Curzon's Government for the transfer to the United Kingdom of *ex*-military prisoners convicted by civil courts and discharged from the army. The opportunity was taken^g to provide for the direct communication by the Secretary of State to the Government of Bombay of the order for a prisoner's removal.

In January 1908 the Government of Bombay pointed out the difficulty of obtaining passages on private vessels for *ex*-military convicts and suggested that they should be removed by troopship. In reply they were informed that long-term prisoners and others whose sentences expired during the trooping season should be sent to England by troopship, their sentences being remitted from the date of debarkation, and that short-term prisoners whose sentences expired between the end of one season and the beginning of another should be provided with passages by private vessels, if they did not object to removal, and should otherwise be allowed to remain in the country. The Government of Bombay replied that a great number of references to the Secretary of State would be necessary under the statute and suggested that the statute should be amended or that the disciplinary objections to removing such men on troopships, otherwise than as prisoners, should be withdrawn. The Government of India were not able to adopt^h either of these suggestions, but they modified the existing rules so as to provide for cases in which recourse could not be had to the Colonial Prisoners' Removal Act.

17. A resolution by the Government of India reviewing the annual jail reports had been issued every year, until 1908, under the orders contained in the Marquis of Hartington's despatch of the 25th May 1882. That despatch was the result of correspondence regarding the high rate of mortality which had prevailed in jails for some years previously. The passing of the Prisons Act, 1894, and the issue of regulations thereunder, however, rendered it impossible for such a state of affairs to recur. The Government of India accordingly proposedⁱ to the Secretary of State that the issue of

Discontinuance of the resolution by the Government of India reviewing the annual provincial jail reports.

(a) F. D. des. no. 71, d. March. 5, 1908.

(b) Pub. des. no. 51, d. April 24, 1908.

(c) { F. D. des. no. 232, d. Aug. 1, 1908.

(c) { Pub. des. no. 152, d. Sep. 18, 1908.

(d) { F. D. des. no. 122, d. Jun. 3, 1909.

(d) { Pub. des. no. 108, d. Jul. 23, 1909.

(i) H. D. des. no. 2, d. Feb. 6, 1908.

(e) H. D. letter no. 302, d. Sep. 22, 1909.

(f) Judl. des. no. 78, d. Nov. 8, 1907.

(g) { H. D. letter no. 8, 9-21, d. Jan. 14, 1908.

(g) { H. D. des. no. 1, d. Jan. 16, 1903.

(g) { Military, des. no. 57, para. 14, d. March 27, 1908.

(h) H. D. letter no. 55, d. Feb. 17, 1909.

the resolution should be discontinued, pointing out that full information regarding the details of prison administration was accessible in the provincial jail reports to anyone requiring it, and that, as all matters of importance were dealt with in separate correspondence, it was unnecessary to discuss in a resolution other matters of little or no importance. They promised, however, to continue to supply the India Office with the statistics and the note by the Sanitary Commissioner, hitherto appended to the resolution, which are utilized for the volume of Judicial and Administrative Statistics and the Annual Sanitary Report. The Secretary of State approved^a the proposal. A copy of the correspondence with the Secretary of State was forwarded to local Governments and Administrations and they were informed that no change was contemplated with regard to the provincial reports and the local Governments' review thereof.^b

18. In July 1907 the Government of Bombay represented that, owing to the steady increase since 1902 in the average number of prisoners received from Baluchistan in the Sind prisons and the insufficiency of jail accommodation, they would be obliged either to re-open the old Shikarpur prison, which had been closed when the new jail at Sukkur was opened, or to enlarge the Hyderabad Central Jail; however, before taking either course, they suggested that the question whether accommodation could not be provided for these prisoners at Quetta or elsewhere in Baluchistan should be considered. The matter was referred to the Agent to the Governor General and Chief Commissioner, who, though not in favour of establishing a central jail at Quetta, suggested that, if it would relieve the overcrowding in the Sind prisons, all prisoners sentenced to imprisonment for periods up to 2 years could be retained in Baluchistan provided a district jail was built at Loralai. The matter was put^c to the Government of Bombay who stated that the arrangement would not afford adequate relief to the Sind prisons and that they had decided to re-open temporarily the Shikarpur prison at an annual recurring expenditure of Rs. 8,300 pending a decision on the question of providing jail accommodation in Baluchistan for the prisoners of that province. On this question the Government of India finally decided^d to adhere to the existing arrangement under which Baluchistan prisoners are sent to the Sind prisons for imprisonment.

19. In connection with the disposal of the body of Kanai Lal Dutt, one of the murderers of the approver Norendro Nath Gossain in what is known as the "Alipore bomb case," a demonstration was made when the body was conveyed to the burning ghat. To prevent such scenes in future local Governments were urged^e to amend the rules in the various provincial jail manuals in such a way as explicitly to empower the jail authorities to refuse delivery of the bodies of executed criminals in cases in which there are grounds for supposing that the convict's funeral will be made the occasion for a public demonstration. Amendments to the various jail manuals were made accordingly.

20. His Majesty the King, Emperor of India, having directed in his gracious message to the princes and peoples of India, on the occasion of the 50th anniversary of the assumption of the Government of India by the Crown, that

(a) Judl. des. no. 6, d. Mar. 20, 1908.

(b) H. D. letter no. 131-140 d. June 9, 1908.

(c) H. D. letter no. 271-278, d. Nov. 23, 1908.

(e) H. D. letter no. 148, d. June 12, 1908.

(d) H. D. letter no. 53, d. Feb. 12, 1909.

as a mark of His Royal clemency and grace, the sentences of persons punished by the courts for offences against the law should be remitted or in various degrees reduced, remission of sentences was, subject to certain exceptions, granted to prisoners on the following scale:—*First*.—All persons under sentence for one month or less who had completed half their sentence on or before 2nd November 1908 to be released absolutely on that date. Those of this class who had not completed half their sentence to be granted remission of half their sentence. *Second*.—Prisoners sentenced to more than one month and not more than six months to be granted remission of fifteen days. *Third*.—Prisoners sentenced to more than six months and not more than a year to be granted remission of one month. *Fourth*.—Prisoners sentenced to more than a year to be granted remission of one month for each year of sentence. The above concessions were not extended to the following classes of prisoners:—*First*.—Prisoners whose conduct during imprisonment had been bad and turbulent. *Second*.—Prisoners who had been more than twice convicted. *Third*.—Prisoners whose premature release might be deemed by the local authorities to be seriously inexpedient for reasons of local importance. *Fourth*.—Prisoners under life sentences whose crimes excluded them from recommendation for release after twenty years' imprisonment at Port Blair under paragraph 8 of Home Department Resolution no. 266-269, dated 29th July 1874, namely, those whose offences were of such a kind as to make them permanently dangerous to society or to public order whenever they might be restored to liberty, and also those whose crimes were committed in such circumstances that their release would be likely to give rise to a renewal of blood feuds or other disturbances of the public peace. These concessions were also extended to all military prisoners, British and native, confined in civil custody. By order of the Governor-General in Council instructions to the above effect were sent to all local Governments and administrations, and all prisoners in civil custody whose sentences as thus reduced expired on the 2nd November 1908 were released on that date. A copy of these instructions was communicated to the military authorities for such action as was deemed desirable in the case of military prisoners in military custody.*

21. On the 23rd May 1910 the Secretary of State telegraphed^b intimation of His Majesty's intention to mark his

Grant of remission of prisoners' sentences on the occasion of His Majesty's accession.

accession by granting remission of sentence to prisoners in British Indian jails

who had on that date still to serve more than one month of their sentences. A second telegram followed on the same day^c containing the Secretary of State's suggestions for a scale of Indian remissions. The scale with slight modifications deemed necessary by the Government of India was telegraphed^d to local Governments and administrations on the 25th May and was communicated to the Secretary of State on the 26th May. The scale decided on granted remissions ranging from one week, in the case of prisoners with over one and up to three months of their sentences to serve, up to five months in the case of those under sentences of over five years. Exceptions to the grant of remission, similar to those imposed on previous occasions of a similar nature, were also imposed on the present occasion, save that conduct in jail was not made a ground of exclusion from the grant of remission, as inquiries on this point would involve delay.

(a) H. D. Resln. no. 260, d. Nov. 6, 1908.
(b) S. of S's. tel. d. May 23, 1910.

(c) S. of S's. tel. d. May 23, 1910.
(d) H. D. tel. no. 141-50, d. May 25, 1910.

22. In September 1908 the Government of India, on a representation from the Government of Burma, approved^a of the delegation to the Inspector General of Prisons, subject to such restrictions as the local Government might impose, of power to fix the classification of district jails for the purpose of determining the local allowance admissible to medical officers for their administrative charge in accordance with the orders of 1889. A copy of these orders was circulated to other local Governments and Administrations.

23. In January 1909, the Government of India had under consideration the question of amending the rules in the various provincial jail manuals regarding the admission of spectators to view executions, and addressed^b local Governments with a view to ascertain whether there was any objection to the amendment of the rules so as to provide that admissions should only be granted by permission of the superintendent or other suitable authority, and should be restricted to adult male relatives of the prisoner and other respectable male adults, up to a limit of twelve. The suggestion met with general acceptance, and the Government of India accordingly requested local Governments to make the necessary amendments in the jail manuals. They added that a discretion should be reserved to the superintendent or other appointed authority to refuse admission altogether or to particular individuals should such a course appear to be justified.

24. On the 31st August 1908, Norendra Nath Gossain, an undertrial prisoner and an approver in the case known as the "Alipore bomb case," was attacked with revolvers in the hospital of the Alipore central jail by certain of the other prisoners accused in the same case and was killed. The Government of Bengal held inquiries in connection with the murder, as a result of which it was found that extraordinary laxity prevailed, and disciplinary measures were accordingly taken against the officials and subordinates of the jail. The jailor was ordered to retire at once. One of the two hospital assistants was dismissed, while the other was placed on supernumerary duty under the superintendent of the Campbell Hospital. Mr. Emerson, the superintendent, was severely reprimanded and Captain Daly, the Medical officer, was transferred to the medical charge of the Eastern Bengal State Railway, a less responsible and less remunerative post than the one which he had held at Alipore. The Government of India agreed as to the action taken regarding the jailor and the hospital assistants, but considered that Mr. Emerson and Captain Daly had been very leniently dealt with. They accordingly directed^c that the former should be called upon to show cause why he should not be transferred to a less important jail, and the latter why he should not be retired compulsorily, and requested that their replies might be forwarded with the Lieutenant-Governor's opinion thereon. In submitting the replies of the two officers the Government of Bengal recommended that no further action should be taken in the case of either. After careful consideration the Government of India accepted the local Government's recommendation^d.

25. In 1906 the Governments of Bombay and Bengal submitted certain proposals for the modification of the remission system and the matter was

(a) H. D. letter no. 217-18, 226-7, d. Sep. 29, 1908. (c) H. D. letters no. 261-9, d. Sep. 10, and no. 314, d. Oct. 6, 1909.
(b) H. D. letter no. 10-17, 18-19, d. Jan. 15, 1909. (d) H. D. letter no. 70, confdl., d. Feb. 22, 1909.

(e) H. D. letter no. 132, confdl. d. Ap. 27, 1909.

referred to other local Governments and Administrations, for criticisms and suggestions. The most important feature of these proposals was the substitution of a system of remission by days for that based on the marks earned. The replies received from the local Governments indicated that they were generally in favour of the proposed alteration of system; and the Government of India decided that the form of the rules should be considered by officers with practical experience of jail administration. They accordingly convened a small committee of certain Inspectors-General of Prisons to draw up a set of rules based on the various suggestions received from local Governments. The rules framed by the committee were carefully considered by the Government of India, and were, with some modification, adopted^a. They were introduced from the 1st January 1909. The Government of India also revised the rules regarding the forfeiture of remission for prison offences and the form of the statement showing the working of the mark system which is appended to the annual provincial Jail Administration Reports.

26. In March 1910 the Government of Burma drew attention to the fact

^a Amendment of the remission rules to provide that dangerous convicts shall not be released under those rules without a reference to the local Government.

that under rules 20 and 21 of the rules for the shortening of sentences by the grant of remissions, issued in June 1908, a life

convict of class II or class III must, irrespective of any undesirable consequences which might result, be released by the jail superintendent after he had completed, with the remission granted to him, 25 or 20 years respectively. Under the Home Department resolution of September 6th 1905, local Governments are required to consider the question of the release of every convict who has served 14 years less remission, and they then have an opportunity of dealing with the cases of specially dangerous convicts referred to above. The Governor General in Council therefore directed that local Governments should, when not satisfied that a convict whose case has been examined on the expiry of 14 years can safely be released even after serving the period ordinarily treated as the maximum sentence of his class, request by a formal order that he shall not be released without reference to themselves. Rule 20 of the remission rules was^b amended accordingly and a consequential change was made in the note appended to that rule and rule 21 by the Home Department letter of December 22nd, 1908.

27. In June 1909 the Government of Madras brought to notice a judgment

Amendment of section 52 of the Prisons Act, 1894, in respect of prosecutions instituted in a Presidency Town.

of the Madras High Court in which it had been held that since section 52 of the Prisons Act, 1894, confers powers only

upon magistrates of the first class, a Presidency Magistrate has no power under that section to try prisoners for offences against prison discipline. In order to remove this anomaly amending legislation was proposed and accepted by the Government of India after consulting the Governments of Bombay and Bengal with a further provision to empower Chief Presidency Magistrates to transfer cases sent to them under it to other Presidency Magistrates for trial. The bill was introduced in Council, and passed on the 23rd March 1910, as the Prisons (Amendment) Act, 1910.

28. In March 1910 the Government of Burma solicited approval of a

Special treatment of juvenile offenders in Burma in a separate jail and the opening of a fund for the aid of discharged prisoners.

scheme to set apart a jail solely for the reception and special treatment of juvenile prisoners, situated for the present at

Meiktila but to be removed in the near future into the present reformatory school buildings at Insein. The chief features of the scheme were the provision of education, literary, physical and industrial, the institution of a system of rewards for the encouragement of good behaviour and for the formation of a Committee, consisting of the visitors of the jail,⁴ to collect and administer funds to help these prisoners on discharge pecuniarily and otherwise. In connection with the scheme the sanction of the Government of India was sought to the placing of a sum of money, amounting to Rs. 5,000 in the first year, at the disposal of the committee and to the appointment as deputy superintendent, to assist the superintendent of the Insein jail in the supervision of the juvenile jail, of a member of the subordinate medical service, on an allowance in addition to grade pay, of Rs. 150 or Rs. 75 a month, according to the branch to which he belonged. The Government of India approved^a these proposals.

(a) H. D. letters no. 117, d. May 11, 1910 and no. 185, d. June 10, 1910.

CHAPTER VII.

PENAL.

(b) *Port Blair.*

In February 1906 Mr. W. R. H. Merk, then Superintendent of Port Blair and Chief Commissioner of the Andaman and Nicobar Islands, applied for a personal allowance of Rs. 500—50—700 per mensem on the ground that while his duties were onerous he had not, like his predecessors, been pecuniarily benefited by his transfer from the Punjab Commission. The Government of India were unable to sanction his representation, and, as the climate of Port Blair did not suit his health, Mr. Merk at his own request reverted to the Punjab in April 1906, and Major (now Lieutenant-Colonel) H. A. Browning, I.A., Deputy Commissioner of the first grade in Burma, was appointed as his successor. The selection of a Burma officer was preferred in view of a proposal that was then under the consideration of Government, for the transfer of the Andamans administration from this Department to the Government of Burma.^a This proposal has since been abandoned (*vide* paragraph 2 below).

In June 1907 Lieutenant-Colonel Browning represented to the Government of India that he had been a loser in pay by accepting the Andamans appointment on a salary of Rs. 2,500—100—3,000 a month, for had he remained in Burma he would have been officiating as a Commissioner of a Division in that Province with effect from October 1906, with no prospect of reverting to the Deputy Commissioner's grade. He asked, therefore, that he might be permitted to draw pay at the rate of Rs. 2,750 a month, the salary of a Commissioner in Burma, until the 30th April 1908, at the rate of Rs. 2,800 from the 1st May 1908 and thereafter to rise to the maximum of Rs. 3,000 per mensem by annual increments of Rs. 100. In view of the heavy responsibilities of the Andamans appointment and the difficulty experienced in securing suitable officers for it and in inducing them to continue to hold it, the Government of India recommended to the Secretary of State in August 1907 that Lieutenant-Colonel Browning's request should be acceded to^b. This recommendation was sanctioned by the Secretary of State in September 1907 with the modification that Colonel Browning should draw pay at the rate of Rs. 2,750 till May 1909^c.

2. In September 1904 Mr. W. R. H. Merk, C.S.I., I.C.S., late Superinten-

The administration of the Andamans and the Penal Settlement.

dent of Port Blair, had made proposals for radical changes in the administration

of the Andamans, including the total abolition of the penal settlement. His main reason for making this proposal was that the punishment of transportation beyond the sea has lost much of its deterrent effect, as the life of a convict in the Andamans is much more free and unrestrained than that of a prisoner in an Indian jail, and as many life-convicts are now released and return to India after a period of 20 or 25 years' servitude. He also pointed out that transportation involved Government in unnecessarily heavy expenditure, the cost of the maintenance of a convict in the Andamans being much higher than in an Indian jail.^d After a full consideration of Mr. Merk's arguments the Government of

(a) H. D. tel. no. 231, d. Mar. 19, 1906.

(b) Fial. desp. no. 307, d. Aug. 15, 1907.

(c) Tel. from Secy. of State, d. Sept. 25, 1907.

(d) Supdt. P. B's, letter no. 1387, d. Sept. 16, 1904.

India were not satisfied that the complete abolition of transportation was necessary, but were disposed to favour radical changes on the following lines:— (a) that only life-convicts who were habitual or specially dangerous criminals should be transported, (b) that these convicts should be confined in jails in the Andamans, and that the jail discipline should be really severe and punitive and similar to that enforced in an Indian jail, and (c) that they should eventually obtain conditional release in the settlement but should never be allowed to return to India. Before introducing changes of so far-reaching a nature the Government of India desired to ascertain the views of the provincial Governments and Administrations, and addressed them on the subject in July 1906.* After consideration of the replies of local Governments, however, the scheme was abandoned.

Mr. Merk had further offered the opinion that while the Superintendent of Port Blair should retain his present position directly subordinate to the Government of India, the remainder of the Andamans Commission should be amalgamated with the Burma provincial service, and that the medical, forest and police officers of the settlement should be included in the corresponding services in Burma. In view of the difficulty which has been experienced in the past in obtaining suitable officers for the Andamans Commission and in exercising supervision over the administration of these islands the Government of India in July 1906 suggested to the Government of Burma that the Andamans and Nicobars should be transferred to that province, that the post of Superintendent should be added to the existing number of Commissionerships, and that the services in the Andamans should be gradually amalgamated with the corresponding services in Burma.^b As this proposal was strongly opposed by the Government of Burma, the Government of India decided not to proceed with it further.^c

3. The reorganisation of the Public Works Department at Port Blair, which

Revision of establishments.

was sanctioned by the Secretary of State in December 1905, was given effect

to in November 1906, when an executive engineer from Burma was appointed to the charge of the local Public Works Department, and one of the two sub-engineers was replaced by an upper subordinate from the same province^d. A regular office establishment for the executive engineer was sanctioned by the Government of India in March 1907^e.

In order to meet the medical requirements of the Settlement the subordinate establishment of the Medical Department was strengthened in February 1908, and it was arranged that four of the twelve hospital assistants should be civil hospital assistants with experience in jail work, who should be periodically recruited from the Madras and the Bengal cadre for a period of duty in the Andamans^f. The second commissioned medical officer, whose appointment as Superintendent of the cellular and female jails, and Civil Surgeon, Port Blair, was sanctioned by the Secretary of State in November 1905, assumed charge of his duties in January 1907^g.

In view of this appointment it was considered advisable by the local authorities to enforce in the cellular and female jails the discipline and control

(a) H. D. letter nos. 688-697, d. July 10, 1906.

(b) H. D. letter no. 698, d. July 2, 1906.

(c) { Burma Govt's letter no. 84-1-J.—8, d. Feb.

{ 4, 1907.

{ H. D. letter no. 189, d. Apr. 2, 1907.

(g) { Secy. of State's tel. d. Nov. 7, 1905.

{ H. D. notn. no. 103, d. Feb. 20, 1907.

(d) { Secretary of State's desp. no. 62-P. W., d. Dec. 1, 1905.

{ H. D. notn. no. 1083, d. Dec. 10, 1906.

(e) H. D. letter no. 134, d. Mar. 4, 1907.

(f) H. D. letter no. 181, d. Feby. 17, 1908.

which obtain in an Indian central jail. To attain these objects the Government of India sanctioned in May 1907 the reorganisation of the subordinate executive establishment of the jails, whereby an efficient staff of jailers and warders was substituted for the old establishment; and in June following they also approved a proposal of the Superintendent to appoint to the immediate charge of the female jail a matron trained in Indian jail management, who was to rank as a 3rd grade overseer in the Port Blair subordinate executive service.^a The establishment of the military police force was decreased, as the warders were no longer to be recruited from this source. In May 1908 the Superintendent represented to the Government of India that the system sanctioned in May 1907, under which the subordinate executive work of the cellular jail was to be performed by a staff of 22 free warders as a separate establishment to be recruited from outside the military police force, did not work satisfactorily, and recommended a modification of the system by reducing the warder establishment to 18 men and by supplementing it by a staff of 18 convict petty officers^b. The Government of India accepted the proposal^c. Difficulties arose before long, however, in the recruitment and retention of suitable men for the warder establishment, and in January 1910 the Government of India, on the recommendation of the Superintendent of Port Blair, sanctioned an improved scale of pay. The rates of pay of the overseers were also improved.^d

In July 1907 it was decided that the appointment of Engineer and Harbour Master, Port Blair, which like that of Superintending Engineer, Mandalay, is now permanently reserved for the Royal Indian Marine, should be classed as an appointment on the active list of the Royal Indian Marine, and orders were accordingly issued that the emoluments of an officer holding the Andamans appointment, whether substantively or otherwise, should be governed by the Marine, instead of by the Civil Service, Regulations.^e

Under the practice obtaining until 1907 the whole of the staff salary of the officer of the Supply and Transport Department who holds executive charge of the Commissariat Department at Port Blair, including the officiating allowance which he would receive on ordinary commissariat duty and a local allowance of Rs. 200 a month, were debited to the civil, and his regimental pay to the military, estimates. Owing to reductions in the number of officers of the Supply and Transport Corps, the services of all officers in the corps were urgently required by the military authorities, and it had accordingly been suggested in August 1907 that (i) either the civil department should arrange through an officer of the settlement for the supply of rations to the convicts, police, troops and shopkeepers at Port Blair; or (ii) the civil department should accept as a civil charge the whole cost of the officer of the Supply and Transport Corps, his services being retained under an arrangement which would permit of his being seconded. The Superintendent, to whom a reference was made on the subject, was in favour of the second alternative and it was accepted by the Government of India.^f

Early in February 1908 grave insubordination occurred among the Military Police force at Port Blair, the immediate cause of which was the supercession for an inspectorship of an illiterate subadar who incited other Sikh members of the force to throw down arms and behave in an insubordinate manner.

(a) { H. D. letter no. 296, d. May 11, 1907.
 { H. D. letter no. 360, d. June 5, 1907.
 (b) Supdt.'s letter no. 466—1-29, d. May 16, 1908.
 (c) H. D. letter no. 396, d. June 24, 1908.

(d) H. D. letter no. 74, d. Jan. 22, 1910.
 (e) H. D. letter no. 494, d. July 31, 1907.
 (f) { H. D. letter no. 632, d. Sept. 11, 1907.
 { Supdt.'s letter no. 1861—VI-2, d. Sept. 23, 1907

Prompt action was taken by the Settlement authorities to suppress this outbreak and with the approval of the Government of India the ring-leaders were dismissed and a large number of inefficient and undesirable native officers and men were discharged on gratuity. These steps improved the situation and order was restored. On an examination of the causes of the outbreak in consultation with the Superintendent of Port Blair the Government of India found that the strength of the force was insufficient for the heavy detached duties which it had to perform in all parts of the Settlement; the number of European officers was inadequate to maintain discipline and the men were too heavily worked to permit of their being regularly drilled.

Orders for the reorganisation of the force were therefore issued in 1908 and two Assistant Commandants and Assistant Superintendents of Police were appointed on the same terms as Assistant Commandants in the Burma Military Police. It was decided that the tenure of the appointments, when filled by officers from the Burma Military Police, should be five years with effect from the date of their joining the Burma Military Police, and that the Superintendent should have the right to revert them at the end of any completed year, if he considered it desirable. Other terms were to be the same as in Burma, subject however to the conditions that officers selected from the Burma Military Police should agree to stay in the Andamans for at least two years if their service was approved by the Superintendent, and that, if reverted, they would return to their regiments and not to the Burma Military Police.^a The Government of India have since agreed, after an extended trial as a temporary arrangement, to the abolition of one of these two posts of Assistant Commandants.

The strength of the military police force was also raised from 641 to 800 men in six companies, and their rates of pay were made similar to those in the Burma military police.^b The rate of pay of the commandant of the force was also raised from Rs. 600—50—800 to Rs. 650—50—850 a month.^c

4. In February 1906 Mr. (now Sir Herbert) Risley, C.S.I., C.I.E.,
(now K.C.I.E.), Secretary to the Govern-
ment of India in the Home Department,

Visit of the Home Secretary.

paid a visit to the Andamans. As a result of the recommendations made in his note of inspection steps were taken (1) to lessen the undue severity of confinement in the cellular jail at Port Blair and to make separate confinement in it conform as far as possible to the provisions of the Prisons Act, 1894 (IX of 1894), and (2) to remove the causes of heavy mortality among new arrivals by providing increased accommodation for convicts and by reducing the maximum limit of age of life-convicts for deportation to the Andamans from 45 to 40 years.

5. The Port Blair Committee of 1890 considered that the jail on Viper Island was altogether unsuitable for the purpose for which it was originally designed, and recommended that it should be replaced by a cellular jail with accommodation for at least 600 convicts. This recommendation was given effect to, and in February 1907 the Viper prison ceased to be an intra-mural jail, all the convicts confined in it having been transferred to the new cellular prison.^d

(a) H. D. tel. no. 436, d. July 15, 1908.

(b) { Finl. desp. no. 342, d. Nov. 26, 1908.

(b) { Secy. of State's Judl. desp. no. 8, d. Jan. 29, 1909.

(c) { Finl. desp. no. 73, d. Mar. 25, 1909.
{ Secy. of State's Judl. desp. no. 26, d. May 21, 1909.
(d) Supdt's. letter no. 3100, d. Feb. 22, 1907.

6. At the instance of the ^{Improvement of the Cellular Jail buildings at Port Blair.} S. P. S. P. S., the Government of India sanctioned in December 1908 the improvement of the cellular jail buildings at Port Blair by closing up the archways of the corridors on the ground floor, at an estimated cost of Rs. 10,953, out of which Rs. 10,568 represented cash expenditure. In 1909 it was found necessary to add, owing to want of accommodation, thirty additional cells in the cellular jail at an estimated cost of Rs. 23,945, of which Rs. 4,921 represented cash expenditure.^b

7. The deportation of term convicts, which had been discontinued in 1891 on the recommendation of the Lyall-Lethbridge Committee of 1890 on the ^{Suspension of the deportation of term convicts.} ground that the frequent return of these men to India tended to lessen the deterrent effects of transportation, was resumed in 1899 in order to meet the demand for labour for the construction of the cellular and associated jails. Since then the number of term convicts at Port Blair has increased to such an extent as to cause serious overcrowding. Accordingly the Government of India directed local Governments in March 1906 to suspend the deportation of term convicts until further orders. These orders were, however, relaxed in January 1910 in cases of convicts who have been sentenced to two or more terms of transportation running consecutively and amounting in the aggregate to twenty years or upwards and also in certain individual cases of convicts sentenced to term transportation for sedition and similar offences.

8. In 1889 the rules regarding the ordinary duration of a sentence of transportation for life were extended to the case of term convicts whose terms of transportation under one or more consecutive sentences amount to 20 years or more. The same rules were in May 1906 made applicable to the case of convicts transported to the Andamans under sentence of transportation for a term and subsequently sentenced at the Settlement to a term or terms of rigorous imprisonment which bring the total of their sentences up to 20 years or more.

9. Under the rules sanctioned in February 1903 regarding the release on ^{Revised rules for the release of invalid convicts.} medical grounds of invalid life-convicts, recommendations for release could not be submitted to Government unless such prisoners were certified to be actually moribund, and incapable of committing crime and of inciting others to its commission. These rules were found in practice to make release on medical grounds extremely rare, as a certificate such as was required could hardly ever be given until it was too late to release the convict. Revised rules were issued in May 1906, under which the Superintendent is authorised to recommend for release lifeconvicts who have served not less than 15 years from the date of sentence, and who are in all human probability certain to die within three months of release, an exception being made in the case of those who have married in the Andamans, and have wives or husbands alive and capable of supporting and looking after them.

10. A murderous assault on two European ladies committed by a convict temporarily employed in domestic service in February 1906 led to enquiries which ^{Rules for the employment of convict servants.}

(a) { Supdt's letter no. 374—VIII-2, d. Oct. 31, 1908.

{ H. D. letter no. 737, d. Dec. 7, 1908.

(b) Supdt's letter no. 3137—VIII-2, d. Jan. 18, 1909.

(c) H. D. letter no. 563, d. May 24, 1906.

(c) { H. D. tel. nos. 207—214, d. Mar. 2 1906.

{ H. D. nos. 248 and 250—257, d. Mar. 10, 1906.

(d) H. D. letter no. 76, d. Feb. 7, 1908.

showed that the rules regulating the employment of convicts by officers of the Settlement as private servants were disregarded in practice. With the approval of the Government of India orders were issued by the Superintendent requiring the strict observance of the rules in future; and providing that no convict who was not eligible for permanent domestic service under the rules should be hired temporarily for service by any Settlement officer. In order to guard against permission being given to dangerous convicts to enter domestic service, local Governments were reminded of the orders requiring them to furnish the Superintendent, Port Blair, with full information regarding the character of every convict who is transported.

11. As a set-off against the inequality of treatment in the matter of release, which exists between locally

Question of limiting the indulgences in respect of remissions of sentences enjoyed by locally married female life convicts,

married and unmarried female life-convicts at Port Blair on account of the

former being eligible for release after serving 15 years instead of the full period of 20 years ordinarily required of a life-convict, the Superintendent suggested in April 1909 that locally married female life-convicts should not be allowed the benefit of Indian jail or special remissions, unless the aggregate period of such remissions exceeded five years, and that then only the excess over five years should be allowed them.^a The Government of India were unable to accept this suggestion for the following reasons. Firstly, as regards Indian-earned remission, the proposal was contrary to the accepted principle that remission once earned should not be forfeited except for definite misconduct. Secondly, as regards special remissions, these are granted as a mark of clemency and grace and there was no reason why the best behaved of the female convicts should be excluded from such clemency, which would, in practice, be the result of the Superintendent's proposal^b.

12. To reduce the prevalence of dysentery among convicts at Port

Food supplies of convicts.

Blair arrangements were made for the Commissariat Department at Calcutta to

exercise a closer check on the shipping of supplies. It was also arranged that a committee at Port Blair should report on the supplies received and that the reserve of wheat supplies should be reduced from a sufficiency for a three months' period to that for six weeks only, in order to minimise the risk of deterioration. Locally grown rice was also found to be superior to imported grain and its adoption as part of the diet of the convicts was sanctioned, subject to a report at the end of five years as to the effect of the change financially and on the health of the convicts.^c The question of the most suitable diet for convicts at Port Blair also received careful consideration and a revised scale of half-rice and half-ata was sanctioned in January 1907^d. This scale of mixed diet was found on trial to be excessive and wasteful as the convicts were generally not able to consume their allowance, and at the request of the Superintendent certain changes were sanctioned in November 1907 in the dietary scale for 2nd class and chain-gang convicts, involving a saving of Rs 11,296 per annum^e. The revised mixed diet was found to be satisfactory and its extension to all labouring convicts in the Settlement was therefore sanctioned in July 1909.^f

(a) Supdt., P. B.'s letter no. 133-XXVI 24, d. 4pl. 24, 1909.

(b) H. D. letter no. 627, d. July 23, 1909.

(c) H. D. letter nos. 111 and 113, d. Jan. 26, 1906.

(d) H. D. letter no. 59, d. Jan. 31, 1907.

(e) H. D. letter no. 780, d. Nov. 16, 1907.

(f) H. D. letter no. 619, d. July 21, 1909.

13. In October 1906 the Government of India sanctioned a proposal made by the Superintendent that the native infantry detachment should be transferred from Ross to Aberdeen. They subsequently

Transfer of the native infantry detachment from Ross to Aberdeen and construction of barracks at the latter station.

sanctioned the construction of new barracks at the latter station, at an estimated cash expenditure of Rs. 97,207, which was afterwards reduced to Rs. 87,604. It was intended that the barracks on Ross, which were in a very dilapidated condition, should be abandoned^a. In May 1903, however, Colonel Herbert, the officiating Superintendent, recommended that this scheme should be given up. The recommendation was based on considerations of discipline and of the safety of the Settlement, with special reference to an outbreak of insubordination in the military police force which had occurred since Lieutenant-Colonel Browning's scheme of transfer was sanctioned^b. Colonel Herbert proposed that, instead of incurring the heavy expenditure involved in that scheme, the existing barracks on Ross should be improved by certain repairs and additions, at an estimated cost of about Rs. 25,000^c. After a full consideration of all the arguments for and against the sanctioned scheme, the Government of India, in September 1903, accepted Colonel Herbert's recommendation for the retention of the native infantry detachment on Ross. Plans and estimates for the necessary repairs and additions were sanctioned by the Government of India in July 1909^d.

14. In November 1906 the Superintendent represented to the Government of India that in the existing conditions the

Reduction of the native infantry detachment in Port Blair.

Settlement no longer required the presence of three companies of native infantry, and recommended that the detachment should be reduced to one double company, as he considered that a garrison of 140 British infantry and 200 native infantry, supplemented by a force of 700 military police, was sufficient to maintain the security of the Settlement^e. The Government of India accepted the Superintendent's proposal, and recommended it to the Secretary of State in December 1907^f. The latter's sanction was received in February 1908, but immediate action in the matter was postponed^g as funds were not available during the financial year 1908-09 for providing accommodation for the company to be withdrawn to Rangoon, and as it was considered desirable that the reduction should be postponed until the reorganisation of the military police force was further advanced, if not completed^h. On the representation of the General Officer Commanding the Burma Division, however, owing to the approach of the furlough season, the Government of India agreed in March 1909 to the temporary reduction of the native infantry garrison at Port Blair to a minimum of four native officers and two hundred menⁱ and in October 1909 this reduction was made permanent^j.

In November 1909 Lieutenant-Colonel Browning suggested the withdrawal of the whole of the native infantry detachment stationed in the Andamans, as in his opinion the force of 140 British troops and 800 military police together with a half company of volunteers, was sufficient for the immediate protection of, and the maintenance of authority in, the Settlement of Port Blair. The

(a) H. D. letter no. 928, d. Oct. 8, 1903.
 (b) { Supdt's. letter no. 3161, d. Feb. 28, 1907.
 H. D. t-l. no. 108, d. Feb. 6, 1903.
 H. D. letter no. 288, d. May 7, 1908.
 (c) Supdt's. letter no. 393, d. May 7, 1908.
 H. D. letter no. 544, d. Sep. 2, 1908.
 (d) { H. D. letter no. 628, d. July 23, 1909.
 H. D. letter no. 145, d. Feb. 11, 1910.

(e) Suplt's. letter no. 2275, d. Nov. 24, 1906.
 (f) Desp. no. 10, d. Dec. 12, 1907.
 (g) Desp. no. 13, Public, d. Jan. 31, 1908.
 (h) H. D. t-l. no. 297, d. May 1, 1908.
 (i) H. D. tel. no. 246, d. Mar. 10, 1909.
 (j) H. D. letter no. 832, d. Oct. 8, 1909.

Government of India were unable to accept the Superintendent's suggestion as they considered that the withdrawal of the native infantry would seriously affect the safety of the Settlement in the event of an outbreak, particularly in view of a possible change in the character of the convicts.

15. In October 1905 the Superintendent of Port Blair represented to the Government of India that it was desirable, in order to check the illicit traffic in liquor carried on by Chinese and other traders with the Nicobarese, that the administrative control over the Nicobars should be made more efficient^a. A more energetic officer was accordingly appointed Government Agent in the Nicobars in May 1906, and in September of the same year rules were issued to regulate the conditions on which licenses to reside in the Nicobar Settlement should be granted^b. An assistant agent was appointed in January 1907 for the islands, and stationed at Nancowry, the agent being transferred to Car Nicobar, the busiest centre of trade and the most populous island in the group^c.

16. In accordance with the recommendations of the special officer deputed to inquire into the matter, the system of local accounts in the Andamans has been much simplified^d. The grant of permission to departmental disbursing officers to draw bills direct on the Port Blair treasury, and of permanent advances to the offices of the Superintendent and of the two district officers, has removed great inconvenience in the matter of contingent expenditure. The savings bank in the Settlement was transferred from the Port Blair treasury to the local post office in May 1906, a general power of control being reserved for the Superintendent of Port Blair^e. The head accountant of the local treasury was promoted to be treasury officer, Port Blair, after an attempt to obtain a suitable officer from India had failed.

17. At the request of the Superintendent the Government of India authorised him in December 1907 to sanction once a year the deputation of not more than two non-commissioned officers of the military police force for recruiting purposes, for a period not exceeding three months^f.

He was further empowered in January 1908, to forward indents directly on the India Office (a) for European stores required for the Public Works Department, the expenditure on which is within his power to sanction, and (b) for all articles of a similar character, whether for the use of the Public Works Department or not, the expenditure on which has been sanctioned by them, and for which indents have not been submitted by him, together with his proposals to the Government of India^g.

In May 1907 Lieutenant-Colonel Browning submitted a proposal that he might be allowed a discretion to permit self-supporter convicts in the western district to continue to reside in that district on release, instead of being compulsorily removed to the eastern district in the event of their electing to reside in the Settlement after their release. It had been decided on the recommendations of the Lyall and Lethbridge Committee of 1890, to which the proposal referred, (i) that convicts of good conduct should be encouraged to settle at Port Blair on release and (ii) that this class

(a) Supdt. P. B.'s letter no. 3097, d. Oct. 21, 1905.

(b) H. D. letter no. 551, d. Sep. 24, 1906.

(c) { H. D. letter no. 693, d. July 21, 1905.

(c) { " " 1141, d. Dec. 16, 1905.

(d) H. D. tel. no. 448, d. Apr. 27, 1906.

(e) H. D. letter no. 817, d. Dec. 4, 1907.

(f) H. D. letter no. 55, d. Jan. 29, 1907.

(g) H. D. letter no. 21, d. Jan. 11, 1908.

of free settlers should be concentrated in the Southern (now Eastern) district. The primary objects aimed at by the committee were on the one hand to increase the deterrent effect of transportation by rendering the return of released convicts to India less frequent, and on the other hand to effect the separation of the free from the convict population on administrative and disciplinary grounds. Lieutenant-Colonel Browning urged that it was most desirable to encourage released convicts to settle permanently in the Andamans, but that the orders which required them on release to give up their holdings in the Western district and transfer themselves to the eastern district rendered it practically impossible to carry out this policy. After further consideration, the Government of India approved the Superintendent's proposal in November 1908^a.

18. In June 1907 the Superintendent submitted, under section 4 of the
Revised rules regarding the grant of taccavi advances to cultivators at Port Blair. Agriculturist Loans Act, 1884 (XII of 1884), a revised set of rules for the grant of loans to owners and occupiers of arable land in the Settlement for the relief of distress or the purchase of seed or cattle; and in August the Government of India approved the new rules, which were fuller and more complete than those previously in force^b.

19. The Code of Civil Procedure, 1882 (XIV of 1882), which had, with slight modification, been in force in the
Amendment of the Andaman and Nicobar Islands Regulation, (III of 1876), as amended by Regulation I of 1884. Andaman and Nicobar Islands under section 14 of the Andaman and Nicobar Islands Regulation, 1876 (III of 1876), as amended by Regulation I of 1884, was repealed by the Code of Civil Procedure, 1908 (V of 1908), which came into force on the 1st January 1909. As the provisions of the new Code did not, with the exceptions of sections 1 and 155 to 158, apply *proprio vigore* to the Andaman and Nicobar Islands, which constitute a scheduled district, it was necessary to amend section 14 of Regulation III of 1876 as amended in 1884, for the extension of the Code of 1908 to these islands. It was decided to effect this amendment by means of legislation, and the Chief Commissioner of the Andaman and Nicobar Islands was therefore directed in September 1908 to submit to the Government of India a draft regulation to give effect to this decision^c. The draft regulation was received in October 1908 and was passed into law by the Governor-General in Council, on the 23rd December 1908, as Regulation IV of 1908^d.

20. The wireless telegraph system between Port Blair in the Andamans and
Wireless telegraph system. Slipper Island off the Burma coast, established by the Telegraph Department in February 1905, worked very satisfactorily and was accordingly thrown open to public traffic, subject to certain restrictions for the prevention of communication between the convicts at Port Blair and the outside world. Messages of all classes may now be booked to or from Port Blair and Slipper Island at ordinary inland rates.

21. The R. I. M. S. 'Nancowry' was originally constructed in 1883 at
Settlement fleet. the expense of the Settlement in order to enable the officer in charge of the Nicobars to visit those islands with a view to enforcing there the Andaman and Nicobar Regulation of 1876. On the withdrawal of troops and convicts from

(a) H. D. letter no. 727, d. Nov. 28, 1908.

(b) { Supdt's. letter no. 718—11-10, d. June 12, 1907.
 { H. D. letter no. 572, d. Aug. 22, 1907.

(c) H. D. letter no. 612, d. Sept. 30, 1908.

(d) L. D. notifn. no. 27, d. Dec. 28, 1908.

the islands in 1889, there was no longer any use for the vessel and she was made over to the Marine Department. At the close of the survey season of 1905-06, on the recommendation of the Superintendent of Port Blair she was returned to the Settlement fleet, the Marine Department having no further use for her, to be used in navigating the narrow coastal waters of the Andaman and Nicobar group in connection with the development of the natural resources of the islands, in establishing closer administrative control over the Nicobars, and in the exploitation of the Andaman timber.*

22. In July 1908 the Government of India proposed to the Secretary of

Discontinuance of the annual resolution by the Government of India reviewing the Port Blair Administration Report.

State for India that the practice of issuing an annual resolution reviewing the report on the administration of the Andaman

and Nicobar Islands and the Penal Settlement of Port Blair should be discontinued, on the ground that under the existing conditions of administration they exercised a proper control over all matters of importance in the islands throughout the year and that the annual resolution served no useful purpose and involved a disproportionate amount of labour in the Home Department.^a His Lordship sanctioned the proposal of the Government of India in August 1908.^b

23. With reference to a memorial addressed to His Excellency the Viceroy and Governor General from a free

Powers of the Superintendent, Port Blair, in the disposal of petitions, for divorce between convicts and free women.

resident, in which she preferred an appeal against the orders of the Super-

intendent, refusing to cancel her marriage with a self-supporter convict in the Settlement, Colonel Herbert, Officiating Superintendent, held the view that, under the rules for the management of transported convicts, no free wife of a convict, whether she had been married to him at Port Blair or had been permitted to join him from India, had any right to appeal against the orders of the Superintendent passed under those rules, and that he could therefore dispose of petitions like the one referred to without reference to the Government of India.^c After a full consideration of the point raised, the Government of India expressed the opinion in January 1909 that the rules regulating convict marriages in the settlement did not operate to deprive a free party to such marriage of any right to obtain divorce or dissolution of the marriage to which he or she might be entitled under the personal law applicable to him or her; but that it remained open to the Superintendent to refuse any such divorced person permission to remain in the settlement. One of the conditions of marriage of free women with self-supporter convicts proposed by Colonel Temple in 1895 was that no divorce or separation should be recognised by the Superintendent, but no rule to that effect was made under any law or regulation; and, although there was much force in the administrative reasons against allowing separations which were pointed out by Colonel Temple and alluded to by Colonel Herbert, the Government of India saw no reason why the difficulty should not be met by refusing permission to free females, who were married to convicts and who desired to have their marriages annulled, to remain in the settlement or to return there without their husbands. The case of convicts who were parties to such unions was of course on a different footing and any breach of the conditions on which they might have been permitted to marry could be met by suitable disciplinary measures. The

(a) H. D. letter no. 195, d. Feb. 27, 1903.
(b) H. D. desp. no. 11, d. July 9, 1908.

(c) Disp. no. 127, Public, d. Aug. 28, 1908.
(d) Supdt's. letter no. 900—XXVII-28, d. Sept. 12, 1908.

Government of India also informed the Superintendent that he was not a local government for purposes of the petition rules and was therefore not competent under those rules to withhold the transmission of petitions from persons other than convicts.^a

24. In August 1909 the Secretary of State for India forwarded a copy of correspondence received from His Majesty's Secretary of State for the Colonies regarding a proposal for the transportation of convicts from Ceylon to the Andamans, and enquired whether the Government of India would be willing, as they were in 1890, to entertain the proposal of the colonial office, and, if so, upon what conditions.^b After consideration of the matter in consultation with the Superintendent of Port Blair, they informed the Secretary of State in March 1910 that there was no objection to receiving in the Andamans convicts sentenced to transportation for life from Ceylon, subject to the following conditions, *viz.* :—

(a) that the rules regarding age and health, which govern the selection of Indian and Burmese convicts for transportation to the Andamans, should be complied with in the case of convicts from Ceylon also ;

(b) that, if the convicts from Ceylon were at any time to be released, they should be removed to Ceylon for the purpose ; and

(c) that the Government of Ceylon should bear the cost of conveying such prisoners to and from Port Blair under suitable escort, and the charges for their maintenance while in the penal settlement at the rate of Rs. 125 per annum for each convict or at such other rate as experience might from time to time show to be necessary to cover their cost.^c

25. The contract entered into with the Asiatic Steam Navigation Company in 1901, for the conveyance of mails between Port Blair, Calcutta, Rangoon and Madras for a period of five years, expired on the 1st July 1906. The renewal of the contract with certain modifications involved prolonged negotiations with the company, which were concluded only in 1909, when a revised contract was entered into for a period of five years with effect from the 1st of July 1909. A noticeable feature of the new contract is the inclusion of Stewart Sound in the North Andamans as an additional port of call for the mail steamer.

26. In April 1906 the Secretary of State for India forwarded an application from Dr. A. C. Haddon, F. R. S., Lecturer in Ethnology in the University of Cambridge, asking that Mr. A. R. Brown should be given assistance and a grant-in-aid for the furtherance of researches into the ethnology of the inhabitants of the Andaman and Nicobar Islands.^d The Government of India agreed to make him a grant of £300, and to render him every assistance possible. Mr. Brown arrived at Port Blair in August 1906, and left for England on the 2nd May 1908 on completion of his investigations.^e

(a) H. D. letter no 48, d Jan. 18, 1909.

(b) Secy. of State's Jndl, desp. no. 82, d. Aug. 18, 1909. }

(c) H. D. (P. B.) desp. no. 9, d. Mar. 24, 1910.

(d) Desp. no. 80-Rev., d. Apl. 20, 1903.

(e) F. D. desp. no. 286, d. Aug. 9, 1906.

CHAPTER VIII.

EDUCATIONAL.

(a) PRIMARY EDUCATION.

1. In November 1906 the Government of India invited the opinions of local Governments and administrations on the question of abolishing fees in primary schools and commented on the various aspects of the case*. Local Governments were not generally in favour of the measure and it was not till February 1910 that the Government of India were in a position to make a pronouncement on the subject. In replying to a question put by the Hon'ble Mr. Dadabhoj at the meeting of the Imperial Legislative Council held on the 4th February 1910, the Hon'ble Home Member said.—“ The replies of local Governments have been considered by the Government of India, but no further action can be taken at present owing to want of funds. The remission of fees is primarily a measure of relief analogous to the reduction of taxation. It has not itself the effect of increasing the number of schools and for this and other reasons it has met with a good deal of criticism. The measure, however, is well worthy of further consideration when the state of the finances is more favourable. The decision must of course depend upon the circumstances existing at that time and it would be premature to make any definite statement of policy now.”

2. In view of the importance of improving the educational facilities afforded to the children of labourers employed on tea gardens and other plantations, and Education of the children of labourers employed on tea plantations. of the inadequacy of the information available on the subject, the Government of India, in 1906, asked the Governments of Bengal and Eastern Bengal and Assam, which were primarily concerned, to depute, in each province, an officer on special duty to enquire into the whole subject, and to instruct him to submit, in consultation with the planters, proposals for improving the existing conditions of education upon tea estates and to ascertain how far the planters might be expected to co-operate in the measures proposed. In Bengal the whole question was considered by a conference convened at Darjeeling. The result of the inquiry demonstrated that there was scope for extending educational effort on the plantations, and the special grants offered by the local Government were readily accepted by several estates where schools have either already been or are about to be opened.

The recommendations of the officer placed on special duty by the Government of Eastern Bengal and Assam, to inquire into the subject comprised the establishment of (a) Government lower primary schools, (b) private aided schools and (c) private unaided schools, and met with the general approval of district officers, the planting community and the Indian Tea and Planters' Associations. The local Government accepted his suggestion that 50 additional schools of type (a) should be established on tea gardens. The Government of India decided to recommend to the local Government the system of grants-in-aid adopted by the Government of Bengal as a means of encouraging the establishment of more aided schools on estates. They concurred in the following recommendations which had received the support of the local Government, namely :—(a) that, where the schools are not Government or aided schools, they

should be entirely under the control of the managers of the tea gardens ; (b) that the instruction to be imparted in all schools should be of the simplest character and entirely in the vernacular ; and (c) that no fees should be charged and that attendance at the schools should not be compulsory.

The Government of India also agreed that great elasticity and variation of detail were needed to adapt the constitution of the schools to local requirements and conditions. They did not however consider it necessary to establish a special inspecting agency for the Government schools thus established which might, they held, be dealt with by the regular educational staff while in the case of aided and unaided schools it would be sufficient if they were occasionally visited by the district or sub-divisional officer, the inspection by the inspecting staff being confined to an annual examination for the fixing of capitation allowance and the giving of leaving certificates where required^a.

3. Itinerant teachers were first employed in the province in 1894.

Itinerant teachers in Burma.

Their duties were to visit registered schools and give lessons to the pupils for the benefit

of the managers, to whom they were also to act as advisers ; to find out new schools and to extend if possible the sphere of the Educational Department. In 1904 the Secretary of State agreed to the service being made permanent and to the cost being borne by provincial revenues. Subsequently their duties were limited to the instruction of managers and pupil teachers in the methods of instruction. In 1909 the local Government reported that the itinerant teachers had not justified their existence as it was impossible for young men on low pay to give model lessons or advice to managers of any practical value, and, with the sanction of the Government of India, it has been decided, to abolish the service gradually, the most deserving men being provided with other employment in Government Schools as teachers or in the inspecting staff^b.

4. The Government of Bombay in 1907 submitted proposals for the distribution of the annual recurring grant of

Grants for primary education.

five lakhs allotted by the Government of

India to provincial revenues for the purpose of meeting increased expenditure on primary education in that presidency. The Government of India authorised certain expenditure on grants to local bodies, to private primary schools within local areas and for buildings and equipment, and they obtained the assent of the Secretary of State to the expenditure of Rs. 99,000 in improving the pay of deputy and assistant deputy inspectors and increasing the inspecting staff, in improving and strengthening the staff of training colleges and normal schools both for males and females, and in developing and taking over certain training institutions for females^c.

(b) SECONDARY EDUCATION.

5. *General*.—In October 1906 the Government of India asked local Gov-

Improvement of secondary education.

ernments and Administrations to formulate and submit for their consideration a

definite programme for the improvement of secondary education. They made the following suggestions as regards the standard of improvement to be aimed at in schools maintained by Government :—(a) that there should be a Government high school in each district, (b) that a high standard of qualifica-

(a) H. D. desp. no. 22, d. Oct. 17, 1907.

(b) { Burma letter, no 283-IE-67, d. July 12, 1909.
H. D. letter 722, d. Aug. 16, 1909

(c) { F. D. desp. no. 222 d. June 20, 1907.
Desp. no. 134(Pub.), d. Sep. 6, 1907.

tions should be maintained amongst the teachers in all such Government schools, for vernacular classes trained vernacular teachers, and for other classes graduates or trained men who are not graduates, (c) that the pay of the teachers should be so fixed as to command the services of men with suitable qualifications, (d) that equipment should be improved where necessary and that where science is taught suitable apparatus should be provided for practical work, and (e) that suitable hostels under the supervision of a responsible resident master of the staff should be provided for all the boys who do not reside with parents or guardians. It was also suggested that the number of head-masters in the Indian Educational Service might be increased so that there should be at least one such appointment in each Commissioner's Division or Inspector's Circle. The question of increasing the inspectorate was also referred to and finally the local Governments were asked to consider the matter of improving aided schools and of placing middle vernacular schools in a satisfactory condition^a. The following are the main features of the schemes of improvement submitted by the local Governments in response to this communication.

Burma—In 1907 the Government of Burma, while cordially accepting the principles enunciated by the Government of India, showed that expenditure from provincial funds on secondary education had risen from 1½ lakhs in 1902-03 to 4 lakhs in 1906-07. The local Government reported that the Director of Public Instruction had submitted a programme which entailed a further recurring expenditure of nearly 6 lakhs at the end of four years and about 10 lakhs for buildings and equipment. But for the present the local Government considered it practicable only to establish a Government high school in each division and at certain important centres, and to take over a municipal school wherever a municipality agreed to the transfer. In order to secure a better class of teachers for both Government and aided schools, the Lieutenant Governor intended to provide a number of scholarships, tenable for two years each, for students of the F.A. and B.A. examinations who would pledge themselves to enter service as teachers. It was pointed out that teachers were already well paid and that no improvement was necessary in this respect. As to the appointment of more officers of the Indian Educational Service as head masters, the Lieutenant Governor aimed at providing such officers in the principal school in each division and in any important municipal school taken over. It was shown that in the matter of hostels Burma was ahead of India and that as regards equipment, boarding accommodation, grants-in-aid to aided schools, and the improvement of the prospects and status of teachers in aided schools, the subjects were receiving due attention in the new education code. Certain increases were also made in the inspecting staff and in connection with Vernacular middle schools the Lieutenant Governor had also sanctioned revised rules for the training of students in normal schools and the grant of higher stipends. He was also prepared to consider the establishment of additional training schools for vernacular teachers^b. The Government of India were satisfied that educational progress on sound principles was being made by the local Government and they accepted its proposals.

Bombay—In November 1908 the Government of Bombay submitted a programme for the improvement of secondary education^c. Their report showed that although the suggestions of the Government of India, shown as (a)

(a) H. D. letter, no. 753-766, d. Oct. 10, 1906.

(b) Burma letter no. 395-1E.-2, d. Aug. 10, 1907.

(c) Bombay letter, no. 2811, d. Nov. 18, 1908.

(b) and (c) above and that regarding the appointment of more officers of the Indian Educational Service as headmasters, had been almost completely decided, there was scope in the immediate future for an initial expenditure of Rs. 8½ lakhs and a recurring expenditure of Rs. 1½ lakhs to carry out the improvements that would be in harmony with the wishes of the Government of India in regard to hostels, the equipment of schools and grants-in-aid. As the cost of any improvement was to be met from provincial revenues the local Government proposed to carry out the scheme gradually as funds permitted. It accordingly provided in the budget of 1908-09 for the following expenditure for high schools:—revised salaries of Head Masters, Rs. 16,560; hostels 2 lakhs; play grounds Rs. 12,000; increase to contract grants Rs. 2,400. While expressing satisfaction at the measures proposed the Government of India expressed a hope that it would be found possible to allot funds at an early date for the purpose of carrying out the whole programme^a.

Bengal and Eastern Bengal and Assam.—Proposals for the improvement of secondary education were received respectively from the Governments of Bengal, and Eastern Bengal and Assam in June and May 1908. The circumstances and needs of every class of secondary school were passed in review and the proposals submitted represented the conclusions of a conference of educational and administrative officers of the two provinces. The Government of Bengal asked for an assignment of 13 lakhs a year, while the Government of Eastern Bengal and Assam expressed the hope that the Government of Lord Minto would be prepared to make full allowance in the next financial settlement for the cost of a scheme amounting to 10½ lakhs. It also asked for assistance from Imperial revenues in meeting the capital outlay on buildings, etc., to be spread over a number of years. Lord Minto's Government while recognizing the importance of the measures and accepting as suitable the general lines of the schemes submitted by these two local Governments, was unable to acquiesce in the view that the whole financial burden of the reforms should be laid upon Imperial revenues. They were unable to promise any specific grants to the Bengals until the requirements of all provinces should have been ascertained and they accordingly requested the local Governments to reconsider their proposals with reference to existing financial possibilities. In particular it was suggested that without altering materially the character of the reforms, it might be possible to reduce their cost by curtailing the number of private institutions which it was desired to aid, or by imposing on them a larger portion of the cost of working up to the new standards than the one-fourth which it was proposed they should bear. Definite proposals were asked for with regard to such instalments of the reforms as the local Government, in each case, was prepared to undertake from its own resources with a moderate measure of assistance from Imperial funds^b.

United Provinces.—The scheme submitted by the Government of the United Provinces provided, in addition to certain expenditure on middle and vernacular schools from the revenues of District Boards, for a non-recurring expenditure of Rs. 9,27,000 and a recurring expenditure of Rs. 5,33,400 by a re-adjustment of the financial settlement. At the request of the Government of India, the local Government subsequently indicated the reforms which could be carried out at the expense of provincial revenues^c. The cost of these proposals which were to be introduced in 1908-09 and subsequent years was estimated at a non-recurring expenditure of Rs. 10,97,000

(a) H. D. letter, no. 298, d. Apr. 19, 1909.

(b) H. D. letter, nos. 99-100, d. Feb. 6, 1909.

(c) U. P. letter no. 180, d. Feb. 10, 1908.

and a recurring expenditure of Rs. 3,84,500. In addition to this there was the cost (Rs. 4,36,500) of the resumption of certain schools, which were to be taken over from district boards from the 1st April 1908. The local Government desired that this amount should be met from Imperial funds, adopting meanwhile the temporary expedient of resuming their cost from district board funds during the current year (1908-09). As the sanction of the Secretary of State was necessary to the scheme, Lord Minto's Government stated that they could not agree to its being anticipated. They declined to commit themselves to a promise of financial assistance on the materials before them and stated that it would be necessary for the local Government to show the clearest justification for the proposal that provincial revenues, when they are restored to their normal condition, should receive a subsidy towards carrying out the reforms if sanctioned^a. In September 1908, the local Government forwarded a detailed programme for the improvement of secondary education, the net cost of which, after allowing for income from fees, was calculated at 10.39 lakhs. The scheme provided for the establishment of a second secondary training College (already sanctioned), three new Government high schools, Lucknow, Ghazipur and Meerut (already established); a head master at Meerut; four special inspectors; the transfer of district board high schools and their improvement^b. The Government of India did not regard this estimate as unduly large but intimated to the local Government that they were unable to hold out any prospect in the near future of a special subvention. The local Government then submitted in June 1909 proposals for a first instalment of the scheme which it was prepared to finance. It involved, at an extra cost of Rs. 21,700 a year, the appointment of an officer to the head master's section of the cadre of the Indian Educational Service and the creation of four appointments of special inspectors of science and oriental languages in the provincial service^c. The proposals were referred to and sanctioned by the Secretary of State^d. In October 1909 the local Government submitted for sanction a further portion of the scheme relating to the conversion into State schools of the high schools under district boards and the transfer to provincial revenues of the cost of the maintenance of these schools, with effect from the 1st March 1910. These proposals were also referred to and sanctioned by the Secretary of State^e.

Punjab.—In 1907 the Secretary of State, on the recommendation of Lord Minto's Government, approved of the action of the Government of the Punjab in resuming the control and management of certain district secondary schools which had been transferred to local bodies in 1886^f. In December 1908, the local Government reported that most of the proposals of the Government of India in regard to secondary education had been brought into operation, that each district now had a Government high school with a staff of teachers who were either graduates or had undergone a course of training, that their pay and prospects had been bettered and that since 1905 provincial revenues had contributed about two lakhs towards the equipment of Government schools. It pointed out, however, that the Government school buildings were bad and that there was little hostel accommodation, and that about 15 lakhs would be needed for buildings. It was also estimated that an

(a) H. D. letter no. 377, d. May 8, 1909.

(b) U. P. letter no. 773, d. Sep. 15, 1908.

(c) U. P. letter no. 540, d. June 14, 1909.

(d) { F. D. desp. no. 6, d. Jan. 17, 1907.
(e) { Desp. no. 35, (Pub.), d. Mar. 8, 1907.

(f) { F. D. desp. no. 227, d. Sep. 28, 1909.

(g) { Desp. no. 2, (Pub.), d. Jan. 14, 1910.

(h) { F. D. desp. no. 62, d. Mar. 17, 1910.

initial outlay of 7 lakhs and a recurring expenditure of about Rs. 70,000 would be needed to place aided schools on a sound footing. The local Government added that much was required to be done in the way of providing buildings and hostel accommodation for the vernacular middle schools maintained by local bodies and that a large sum might usefully be expended on increasing the number of such schools. The Lieutenant-Governor asked for a grant of 5 lakhs a year for three years in connection with the Government schools^a. The Government of India were unable to assist the local Government with funds^b.

Coorg.—In 1892 the Chief Commissioner of Coorg recommended that the post of Headmaster of the Mercara Central School should, on the occurrence of a vacancy, be filled by recruitment from England, but it was not then considered necessary to make any change. The locally recruited candidates having proved unsuitable, the Chief Commissioner in 1908 renewed the proposal and after discussing the terms of the appointment with the Chief Commissioner Lord Minto's Government obtained the sanction of the Secretary of State to the addition of an appointment to the Indian Educational Service cadre in Madras on a salary of Rs. 500—50—750 to provide for the headmastership^c. In April 1909 the Government of India sanctioned the establishment of an aided lower secondary girls' school at Mercara and made as a special case, a grant-in-aid of half the cost, or Rs. 275 a month.

Madras.—The scheme submitted by the Government of Madras in February 1910 was calculated to cost about one lakh of rupees recurring and an initial non-recurring charge of Rs. 60,000, for the improvement of secondary education in the Presidency. In addition to four existing Government high schools the scheme involved the placing under Government management of 15 high schools, maintained by local bodies or by private agency at present. Of the headmasters of these 19 institutions 6 were to be in the Indian Educational Service and 13 in the provincial Service. The staff of assistant masters for all the 19 schools were to be on a common list, they were not to be detailed against each school and their salaries were to range from Rs. 30 to Rs. 100 a month. The Government of India approved generally of the scheme but held that it did not go far enough. They suggested that the maximum pay of the assistant masters should be fixed at least as high as Rs. 150. The local Government were asked also whether the Governor in Council was prepared to give effect to the suggestions of the Government of India contained in its letter of October 1906 as to the qualifications of teachers and the equipment for practical work of schools in which science is taught. They also offered remarks in regard to the employment of instructors in agriculture and carpentry. They impressed on the local Government the importance of the subject of providing hostel accommodation and that of improving aided secondary schools and they asked for the further views and recommendations of the Governor-in-Council^d.

6. In August 1909 the Government of Bombay submitted a report on schools

Improvement of the system of education in Aden. in Aden by the Educational Inspector in

Sind. The main proposals related to, (1) the increase in the grants-in-aid paid to Koran and other aided schools; (2) the revision of the staff of the Government schools; (3) the arrangements for the inspection and supervision of schools and (4) the deputation of educational

(a) Punjab letter no. 362, d. Dec. 10, 1908.

(b) H. D. letter no. 898, d. May 15, 1909.

(c) Desp. no. 312 (Fincl.), d. Oct. 22, 1908.

(d) { Madras letter, no 87, d. Feb. 21, 1910.
H. D. letter no. 597, d. June 8, 1910.

officers to Aden to watch the working of the scheme sketched out in the report and to settle details. The recurring cost was estimated at Rs. 8,000, a year and the non-recurring, Rs. 5,200. The Government of India sanctioned the proposals^a.

7. Lord Curzon's Government had raised the question of reconstituting on a wider and more stable basis the school final examination which was established in several provinces on the recommendation of the Education Commission of 1883. The Education Commission, in paragraph 258 of their report, remarked that the attention of pupils and teachers in secondary schools had been unduly directed to the matriculation examination of the University. They accordingly proposed measures which were intended to relieve the schools from the excessive domination of the University, but these measures have failed to effect the purpose for which they were framed, chiefly for the reason that in all provinces except Bombay the entrance examination was accepted as a qualification for Government service and served the double purpose of qualifying both for Government service and for the University courses. The school final examination on the other hand had a wider scope. It prepared boys for the more varied requirements of every day life. The consideration of the question was deferred pending the revision of the regulations of the different Universities consequent on the passing of the Universities Act, 1904. In 1907, Lord Minto's Government invited local Governments to formulate, on the lines indicated, a scheme of examination which would be adapted to the requirements of all pupils who complete their secondary school course. In the United Provinces the school final examination was for a time discontinued, the subjects for this examination being to a certain extent merged in the matriculation examination of the Allahabad University. The disadvantages of this system were brought to the notice of the United Provinces Government which accordingly reconstituted the school final examination on the lines suggested^b. The Allahabad University agreed to recognise the school leaving certificate as equivalent to the matriculation certificate. In 1907 the Government of India communicated their general approval of a scheme for the institution of a School Final Examination in Burma, subject to certain minor modifications which they suggested for the local Government's consideration and of which the majority were adopted. In April 1909 the Government of India approved of a set of rules for the school leaving certificate in the Central Provinces, and in July 1910 they approved of the extension to Coorg of the Madras scheme for the award of Secondary school leaving certificates.

(c) INDUSTRIAL AND TECHNICAL EDUCATION.

8. *Madras*.—The work of the Director of Industrial and Technical Inquiries in the Madras Presidency having been found too heavy for one man, the Government of Madras proposed the appointment of an assistant for a term of five years on a salary of Rs. 550—50—750 a month. Lord Minto's Government supported the proposal to the Secretary of State with the modification that the appointment of Assistant Director should be made in the first instance for a period terminating in August 1911, when Mr. Chatterton's special appointment for five years as Director would ordinarily expire^c. The Secretary of State sanctioned the proposals^d.

(a) H. D. letter no. 863, d. Oct. 4, 1909.
(b) H. D. letter no. 439, d. June 26, 1907.

(c) F. D. desp. no. 98, d. Mar. 26, 1908.
(d) Desp. no. 198 (Pub.), d. Dec. 4, 1908.

In March 1909 the local Government submitted a scheme for (1) constituting upon a permanent footing a Department of Industries, (2) the appointment of experts in the dyeing, weaving and leather industries and for filling permanently the post of Assistant to the Director of Industries. The whole subject had been considered in September 1908 by a conference of officials and non-officials, including leading mercantile and industrial representatives of the province. The main feature of the scheme was the separation of the department of industry and industrial instruction from that of technical education which latter would be retained under the control of the Director of Public Instruction with the object of securing the co-ordination of the special with the general branches of education which was considered to be essential. The local Government recommended that Mr. Chatterton should be appointed as Director on Rs. 1,500—100—2,000 a month^a. The Government of India supported the scheme to the Secretary of State and asked him to recruit officers to fill the posts of dyeing and leather experts on salaries of Rs. 750 each and that of Assistant to the Director on a salary of Rs. 550—50—750 a month. It was proposed to appoint as weaving expert, on Rs. 400 a month, a Government technical scholar who was undergoing a course of training in England^b.

In his reply of the 29th July 1910, the Secretary of State objected to the Madras proposals that they contemplated direct action by the new Department of Industries with the object of creating industries by State intervention, and thus exceeding the sphere of industrial instruction proper. He accordingly agreed only to the creation of a post of Superintendent of Industrial Education which would be subordinate to the Director of Public Instruction. He sanctioned the appointment of Mr. Chatterton to that post on his present salary of Rs. 1,250—50—1,500, a month with exchange compensation and declined to grant him a higher personal salary. He also sanctioned the creation of the appointments of a dyeing, weaving and leather experts, on condition that they were for instructional purposes and did not interfere with private enterprise. He requested that the necessity for the proposed post of Assistant to Mr. Chatterton should be reconsidered with reference to the views expressed by him^c. The views and orders of the Secretary of State were duly communicated to the Madras Government and are under their consideration.

Bombay.—In January 1907 the Government of India placed before the Secretary of State a scheme the objects of which were, (1) to increase the efficiency of the three existing central institutions, *viz.*, the College of Science, Poona, the Victoria Jubilee Technical Institute, and the school of Art, Bombay; (2) to provide adequate inspection for the ordinary technical schools and schools of weaving and the textile industry; (3) to provide for elementary drawing in all institutions; (4) to create three special technical schools; and (5) to increase the grants-in-aid of the existing technical schools. This scheme was prepared by a Committee and involved the creation of (a) an Inspector of Technical Schools, (b) a special Instructor for the Normal Class, College of Science, Poona, and (c) for the school of Art, a Superintendent of Pottery and an Instructor each for textiles, metal working and wood work. The initial and recurring expenditure amounted to Rs. 4,42,000, and Rs. 1,67,000, respectively. The proposals were sanctioned by the Secretary of State^d.

(a) Madras letters nos. 3942-A. and 4294-A., d. Mar. 3, 1909.

(b) F. D. desp. no. 253, d. Oct. 28, 1909.

(c) Desp. no. 50. (Rev.), d. July 29, 1910.

(d) { F. D. desp. no. 14, d. Jan. 24, 1907.
Desp. no. 56 (Pub.), d. Apr. 19, 1907.

Proposals were submitted by the Government of Bombay for strengthening the staff of the College of Science, Poona, by the addition of a professor of Mechanical Engineering in the Indian Educational Service and an assistant professor. The latter post was to be limited to a term of five years and was to be outside the cadre of the Indian Educational Service. These appointments were considered necessary in view of the revised courses of study prescribed by the Bombay University for the degree of Bachelor of Engineering. The local Government's proposals were recommended to and accepted by the Secretary of State subject to a suggestion by His Lordship that the assistant professor should be a native of India if a qualified man could be found^a. In July 1908 the Government of India recommended to the Secretary of State a proposal of the Government of Bombay to replace the existing provincial educational service professor of chemistry and geology at the college by two Indian Educational Service professors, one of chemistry and one of geology and zoology^b. The Secretary of State sanctioned the professorship of chemistry but he was not convinced that the professorship of geology was required and he therefore asked for a fuller justification of this proposal^c. It was not found necessary however to pursue the matter further, as the local Government had already decided to postpone the appointment of a professor of zoology until the question of the concentration of science teaching had been finally settled; it obtained the Government of India's sanction to the deputation of an officer of the Geological Survey Department to the college from June to September each year to teach geology^d.

Bengal.—In 1907 a central weaving school at Serampore was sanctioned with a Principal and an Assistant to be outside the cadre of the Indian and Provincial Educational Services. The annual and initial cost were estimated at Rs. 35,208 and Rs. 1,08,441 respectively^e.

The Government of India in the same year recommended to the Secretary of State proposals submitted by the Government of Bengal for the establishment of a testing bureau attached to the Civil Engineering College, Sibpur, for the purpose of conducting mechanical and chemical tests^f. The Secretary of State in reply requested that the proposals might be reconsidered with reference to the question, then under consideration in the Department of Commerce and Industry, of the formation in India of an inspecting staff for the purpose of testing supplies purchased in India. In a subsequent despatch to the Secretary of State regarding the latter scheme the Government of India intimated their desire to withdraw, temporarily, the proposals for the establishment of a scientific testing bureau.

The Government of India supported a scheme formulated by the Government of Bengal for the opening of classes in technological chemistry and in dyeing and the chemistry of dyeing at the Civil Engineering College, Sibpur^g. The Secretary of State replied that he was not disposed to sanction the expenditure involved in the scheme, in the absence of any information regarding the demand in India for men with the training which the proposed classes would afford, and he asked to be fully advised on this point. The Government of Bengal subsequently justified the opening of the classes and showed that there would be a real demand for the men trained in them. The additional information furnished by the local Government was forwarded to the Secretary of State

(a) F. D. desp. no. 34, d. Jan. 30, 1908.

(b) F. D. desp. no. 20, d. July 16, 1908.

(c) Desp. no. 162 (Pub.), d. Oct. 2, 1908.

(g) F. D. desp. no. 402, d. Oct. 24, 1907.

(d) H. D. letter no. 129, d. Feb. 19, 1909.

(e) Desp. no. 56 (Pub.), d. Apr. 19, 1907.

(f) F. D. desp. no. 293, d. Aug. 8, 1907.]

and the Government of Lorú Minto renewed their recommendation in favour of the opening of the classes^a. The Secretary of State was asked to recruit a temporary professor in the Indian Educational Service for a term of three years in the first instance. His Lordship sanctioned the proposal for an experimental period of three years but stated that the continuation of the classes would depend upon the practical results obtained, as to which he asked for a detailed report to be submitted to him before the expiry of the period of three years. He promised to recruit an officer to fill the post of Professor^b.

In 1907 the Government of Bengal represented that it was desirable to create a more effective agency than that existing for the direction and supervision of technical and industrial education in the province, and recommended, for the purpose, the appointment of a Superintendent of Industries and Inspector of Technical and Industrial Institutions on a salary of Rs. 1,000—50—2,000 a month. It was proposed that the appointment should be outside the Indian Educational Service, that an officer should be recruited for it in England, and that for the time being he should be subordinate to the Director of Public Instruction. The Government of India urged the following objections to the proposals:—(1) that the officer was to be permanently employed on a salary which was to increase during a period of twenty years, whatever might be the result of the appointment; (2) that he was to gain his experience in India, practically at the expense of the country, and with no definite scheme of work to guide him; (3) that he was to be responsible for all industrial education and development in the province, unaided by any consultative board of experts in trade and local requirements; he would thus have to make his own way unaided, except by the Education Department which had declared its inability to deal with industrial instruction; and (4) that it would be difficult, if not impossible, to find any one possessing the very wide range of qualifications demanded. They commended to the local Government's attention the procedure which the Government of the United Provinces had adopted in dealing with the question of industrial and technical education^c. In May 1908 the local Government submitted modified proposals. The Government of India being satisfied that sufficient information existed upon which the proposed technical and industrial adviser could proceed and further that the task of inspecting and guiding the large number of public and private technical and industrial institutions mentioned by the local Government would from the outset afford ample occupation to the officer appointed, recommended to the Secretary of State that an officer should be recruited in England for a term of five years on a salary of Rs. 1,000—100—1,500 or if that rate of pay was found to be insufficient on Rs. 1,250—50—1,500^d. The Secretary of State sanctioned the proposal^e, and sent out an officer in January 1910 on the smaller salary.

United Provinces.—In 1907 the mechanical apprentice class of the Rurki College was expanded with the object of giving sound practical training in principles of mechanics, steam and electricity at an annual cost of Rs. 24,256. In May 1909 an instructorship in cotton spinning and machinery at the Thomason College was sanctioned.

As a result of the deliberation of a strong and representative committee, the Government of the United Provinces submitted in 1907 a comprehensive scheme for the development of technical and technological education in the pro-

(a) H. D. desp. no. 29, d. Oct. 15, 1908.

(b) Desp. no. 94 (Pub.), d. Dec. 4, 1908.

(c) Desp. no. 61 (Pub.), d. Apr. 9, 1909.

(d) H. D. letter no. 865, d. Nov. 1, 1907.

(e) F. D. desp. no. 17, d. Jan. 21, 1909.

vince. It proposed to establish ten industrial and technical institutions, the most important being an institute of chemical technology at Cawnpore and an institute of hydraulic, mechanical and electrical engineering to be created at Rurki by the development of the Thomason Civil Engineering College. It was contemplated that these institutions should provide for the training of managers, overseers and foremen, and for the encouragement of research work in the subjects taught. Of the remaining institutions, the scheme further comprised the creation of three general industrial schools at Cawnpore, Gorakhpur and Lucknow for the training of mechanics, a school of design and a button making school at Lucknow, a chrome leather school, a carpentry school at Bareilly, and an experimental weaving station at Benares. As technical education cannot be satisfactorily directed apart from practical needs, and in view of the strong literary tendencies of the Education Department and the Universities, the local Government also recommended the creation of a separate department under the control of an officer to be styled Director of Industrial Inquiries, for the supervision of the proposed new institutions.

While fully recognising the danger of establishing independent authorities dealing with different branches of education, unless these authorities have above them a co-ordinating authority capable of adjusting their work from the point of view of education as a whole, the Government of India were unable to deny that provincial Directors of Public Instruction possessed neither the training nor the experience to enable them to offer expert advice on problems of technical and industrial education, and that serious hindrances to the progress of technical education might be expected so long as it remained subordinate to a department whose traditions were purely literary. Having regard to these considerations, and to the fact that in the present case the necessary co-ordination would be secured not only through the proposed Board of Control in which the Director of Public Instruction would have a seat, but also through the local Government, the Government of India supported the scheme in its entirety. They explained to the Secretary of State that apart from the direct advantages which might be expected from it, the scheme would produce considerable political benefit as showing that there is a very earnest desire on the part of Government to promote industrial progress in India. The non-recurring expenditure which the proposals involved was estimated at Rs. 16,44,500, and the net additional charges of a recurring nature at Rs. 4,69,820 per annum^a. The Secretary of State generally approved of the scheme but he hesitated to sanction the Institute of Chemical Technology at Cawnpore until further and wider inquiry was made into the question of co-ordinating and dividing industrial teaching and research work. He declined to agree to remove the Rurki College from the present Board of Control and to place it under the head of the new Industrial Department^b. The appointment of Mr. Wilson as Director of Industries, United Provinces, on a pay of Rs. 1,000—50—1,500 and of a professor of mechanical engineering, Rurki, were sanctioned by the Secretary of State in March and February 1910 respectively.

In May 1910 the Government of India submitted for the specific sanction of the Secretary of State a part of the above scheme which involved the appointment of (1) a carpenter for the carpentry school at Bareilly (2) a principal for the school of design at Lucknow (3) a cotton expert for the experimental weaving station at Benares (4) a headmaster for the Lucknow and Gorakhpur industrial schools, (5) a professor of electrical engineering and a demonstrator

(a) F. D. desp. no. 364, d. Dec. 24, 1908.

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(b) Desp. no. 110 (Pub.), d. July 30, 1909.

in Physics, (6) an instructor in mechanics, steam and heat, and a subordinate staff of European and Indian assistants. The Local Government decided to defer for the present, until funds were available, the appointments of the professor and demonstrator of geology proposed to be added to the staff of the Rurki College. It also decided to defer the appointment of an expert button-maker. In the event of the proposals being approved by him the Secretary of State was asked to recruit suitable persons for the first three appointments referred to above^a. The proposals have been sanctioned by the Secretary of State^b.

Punjab.—The Government of the Punjab submitted in 1909 a scheme for the reconstitution of the Government School of Engineering at Lahore, organized in 1906, on the grounds that the course of instruction given at the institution did not commend itself to the Public Works Department and that the Thomason College, Rurki, failed to supply candidates for the lower subordinate branch of the Public Works Department, Punjab, in sufficient numbers and with sufficient qualifications owing mainly to the unpopularity of service in the Irrigation Department and the distance of Rurki from the western half of the Punjab, in which Muhammadans predominate. For these reasons the local Government proposed to remove the school from Lahore to some other convenient centre, to improve the course of instruction and to appoint as Principal a Provincial Service Executive Engineer with a local allowance of Rs. 100 a month. The functions of the School were to be confined to the training of lower subordinates for the Provincial Public Works Department. The proposals were referred to and sanctioned by the Secretary of State^c.

Burma.—Proposals were submitted in 1907 for the reorganisation of the Engineering School at Insein. The pay of the Head Master was increased from Rs. 300 to Rs. 500—40—700 and that of the Technical Instructor from 200—10—250 to 300—10—350. Both appointments were included in the provincial educational service^d.

Eastern Bengal and Assam.—In May 1909 the Government of Eastern Bengal and Assam submitted a scheme for the development of industrial and technical education. The whole subject of the provincial needs in this respect was considered by a provincial committee of officials and non-officials and the main features of the scheme were :—(1) The transfer from the Department of Education to that of Industry of all forms of technical and industrial education, and the creation of a new appointment of Director of Industries to be held at the outset by a specially selected district officer, on grade pay with an allowance of Rs. 500 a month. (2) The establishment of demonstration factories around which would be grouped instructional and research institutions comprising a school of engineering, a school of design and a laboratory, intelligence and employment bureaus, a museum, show-rooms and a library, all of which institutions would be placed under the control of the new Department of Industry. (3) The retention and reform of existing technical and industrial institutions and the gradual multiplication of such institutions. The capital and recurring cost was estimated at Rs. 13,70,000 and Rs. 2,53,300^e. The Government of India approved generally of the scheme, but intimated that no portion of it should be given effect to without their specific sanction or that of the Secretary of State if that were necessary under rule. The Government of

(a) F. D. desp. no. 102, d. May 5, 1910.

(b) Tel. from S. of S., d. Aug. 24, 1910.

(c) { F. D. desp. no. 79, d. Apr. 1, 1909.

{ Desp. no. 92 (Pub.), d. June 18, 1909.

(d) H. D. letter no. 868, d. Nov. 2, 1907.

(e) E. B. & A. letter no. 3339-M., d. May 12, 1909.

India were not able to promise any definite grant-in-aid at present but asked the local Government what portion of the scheme it was in a position to finance from provincial revenues, and at what cost*.

Central Provinces.—In 1907 an elementary school for handicrafts at Nagpur was sanctioned at an initial expenditure of Rs. 10,000 and a recurring expenditure of Rs. 13,550.

9. *Punjab.*—In August 1905 the Punjab Government proposed that for the Vice-Principalship of the School of Art, Lahore an officer should be recruited in

Schools of Art.

England in the Indian Educational Service. Lord Curzon's Government held the view that art schools in this country should be capable of producing candidates qualified for the Vice-Principalship and that endeavours should be made to obtain a suitable candidate in India. It was suggested to the local Government that the appointment should be retained in the provincial educational service but on a higher rate of pay. The Local Government acquiesced in these views and recommended that the initial salary of the post should be the same as that in the higher section of the provincial service. Lord Minto's Government accepted this modification and with the sanction of the Secretary of State sanctioned the creation of an additional appointment in the provincial educational service of the Punjab, on a salary of Rs. 400 rising to Rs. 700, to provide for the Vice-Principalship†.

Bombay.—In June 1906 the Government of Bombay submitted a proposal to increase the pay of the Principal, Sir J. J. School of Art, Bombay. Since 1879 the salary of the post had been Rs. 800, with an additional allowance of Rs. 100 for house-rent. The local Government represented that in view of the importance of the School of Art and of the duties attached to the principalship the existing rate of pay was inadequate. They pointed out that the position of the principal, in respect of salary, compared unfavourably with that of his compeers in other provinces, and they accordingly recommended that his pay should be raised to Rs. 800—50—1,200. Lord Minto's Government agreed that it was desirable to increase the pay of the appointment, but were unable to recommend the scale which the local Government proposed. They proposed to adopt the ordinary rate of pay of the Indian Educational Service, *viz.*, Rs. 500—50—1,000, subject to the proviso that if a suitable candidate was not procurable in future on Rs. 500 per mensem, the initial rate of pay might be raised. These proposals were subject to certain special conditions personal to the present incumbent, which were accepted by the Secretary of State, who, however, as experience showed that it was practically impossible to obtain a competent candidate for such posts as that in question on the initial salary of the Indian Educational Service, fixed the pay of the Principalship of the School of Art, Bombay, for future incumbents at Rs. 750—25—1,000 per mensem‡.

Madras.—Up to 1907 the Superintendentship of the Madras School of Art, carried the ordinary scale of pay of the Indian Educational Service, *viz.*, Rs. 500—50—1,000. In requesting the recruitment in England of an officer for the appointment, the Government of Madras suggested that as it would be difficult to obtain a competent candidate on the initial salary of Rs. 500 per mensem, it would be desirable to offer the enhanced rate of pay of Rs. 750—25—1,000‡. In November 1907 the Secretary of State sent out a Superintendent on the higher rate of pay proposed.

(a) H. I. letter no. 178, d. Mar. 3, 1910.

(b) Disp. no. 112 (Pub.), d. Aug. 3, 1906.

(d) F. D. d. sp. no 291, d. Aug. 9, 1906.

(c) { F. D. d. sp. no. 423, d. Dec. 6, 1906.
Desp. no 29 (Pub.), d. Feb. 15, 1907.

Burma.—The Government of India recommended to the Secretary of State a scheme submitted by the Government of Burma for the improvement and encouragement of indigenous Burmese art. The scheme involved the creation of a special appointment for an officer to be designated "Provincial Art Officer" who would serve directly under the local Government's order, and would have charge of all measures for the encouragement and improvement of local art industries, the supervision and management of the annual provincial art exhibition and the curatorship of the provincial museum. The salary proposed was Rs. 500—50—750, with free quarters or a monthly house allowance of Rs. 100 in lieu thereof, but it was suggested to the Secretary of State that, if necessary, a somewhat higher initial salary than Rs. 500 should be offered in order to secure an officer of unusual promise^a. The Secretary of State was prepared to sanction the scheme, but before final orders were passed the proposal was withdrawn by the Lieutenant-Governor owing to financial stringency.

10. The earlier portion of this subject is dealt with in the summary of Lord Curzon's administration. At the instance of the late Mr. Tata's representatives the legal position in respect of the establishment of the institute was further examined and it was finally decided that recourse to legislation was unnecessary, and that a scheme to be settled under the Charitable Endowments Act (VI of 1890) would affect all that was required. It was the intention of Lord Curzon's Government to defer taking action upon two important points connected with the Institute, *viz.*, the lines of instruction and research to be followed, and the selection of professors for the Institute in Europe or elsewhere till a scheme for the working of the Institute under the Charitable Endowments Act of 1890 had been devised. But Messrs. D. J. and R. J. Tata were meanwhile anxious that no time should be lost in appointing a Director for the Institute. Lord Minto's Government agreed that the settlement of the remaining details of the project would be materially facilitated if such an appointment was made as early as possible and the Secretary of State was asked accordingly in December 1905 to enlist the assistance of the Royal Society in selecting a Director^b. The terms offered were a salary of £1,800 a year with a pension of £500 at the end of ten years' service or £750 at the end of fifteen years' service. It was explained that the position of the Director would not be that of a Government servant and that the State would accept no positive liability for his stipend or pension, but that the position which it was the intention to give the Institute would practically afford a guarantee that all the conditions of service on its staff (including the provision for leave) would approximate to those of employment under Government. Dr. M. W. Travers, F. R. S., was selected by the Secretary of State as Director of the Institute, and arrived in India in November 1906^c.

In May 1907 Messrs. Dinshaw and Co. submitted on behalf of the Messrs. Tata a draft vesting order and scheme for the administration and management of the properties and funds of the Institute. This draft order and scheme did not altogether meet with the approval of the Government of India, who caused a revised scheme and order to be prepared based on the following principles laid down by Lord Curzon's Government^d;—(i) that it was unnecessary to vest the lands in Bangalore ceded by the Mysore Durbar, the capital grants or the

(a) F. D. desp. no. 137, d. May 7, 1908.

(b) H. D. desp. no. 24, d. Dec. 28, 1905.

(c) Desp. no. 160 (Pub.), d. Oct. 26, 1906.

(d) H. D. letter no. 502, d. July 2, 1907.

annual maintenance grants, in the treasurer of charitable endowments; (ii) that the management of the endowment properties in Bombay should be entirely dissociated from the management of the internal affairs of the Institute; (iii) that the first requisite should be to provide an effective managing committee which should comprise both persons with technical knowledge and persons of administrative experience; and (iv) that in order to emphasise the larger aspects of the scheme some General Council with essentially advisory functions should be constituted composed of persons resident in different parts of India whose advice or influence would tend directly or indirectly to promote the interests of the Institute.

The draft vesting order and scheme for the administration and management of the properties and funds of the Institute after further revision by the law officers of Government in consultation with Messrs. Tata's solicitors, were accepted by Lord Minto's Government and as finally revised were forwarded to the Government of Bombay who were asked to arrange for the conduct through their solicitors of further negotiations in connection with the scheme. His Excellency the Viceroy as Patron of the Institute appointed a provisional committee to conduct the affairs of the Institute pending the final publication of the scheme of management, consisting of representatives of the Messrs. Tata, the Mysore, Government, the Director and two professors of the Institute and the Resident in Mysore as Chairman and representative of the Government of India.

The vesting order made by the Governor-General in Council under the Charitable Endowments Act, 1890 (Act VI of 1890), and the scheme were published under the Home Department Notification no. 433, dated the 27th May 1909. By the constitution thus fixed, His Excellency the Viceroy is *ex officio* Patron of the Institute, and the heads of the local Governments of India are Vice Patrons. The governing bodies of the Institute comprise :—

- (a) A Court of Visitors on which the Government of India, the Government of Mysore and the Messrs. Tata and their heirs will each be represented by two members, the Messrs. Tata themselves being members during their lives. The Director-General of Education in India, the Directors of Public Instruction to the local Governments, and the Director and the professors of the Institute will be *ex-officio* members. The Patron may appoint six members, and the Vice-Patrons one member each. The Senates of the India Universities may each appoint one representative and the Council may appoint as members ten representatives of science and learning in India. Donors of capital sums of not less than Rs. 2,00,000 and contributors of not less than Rs. 15,000 annually for five years will be entitled to nominate members of the Court.
- (b) A Council of twelve consisting of the Director and four professors of the Institute, together with representatives of the Government of India, the Government of Mysore, and of each of the Messrs. Tata, and three nominees of the Court of Visitors.
- (c) A Senate consisting of the Director and the professors *ex-officio*, with power to co-opt assistant professors and readers.
- (d) A Standing Committee of the Court of Visitors, consisting of four members of that body appointed by the Patron, by the Government of India, by the Government of Mysore, and by the Messrs. Tata respectively.

The Council will be the executive body of the Institute, its proceedings being subject to review by the Standing Committee of the Court of Visitors. This committee will have the power of reporting to the Patron on the acts or proposals of the Council and the Patron may refer such report to a special committee and may afterwards make such order as may be necessary. The Senate will deal with all matters of an academic nature, so as to reduce to a minimum discussion on purely technical matters at meetings of the Council. The administration of the endowment properties in Bombay will be in the hands of a Board of Management which will be entirely independent of the governing bodies of the Institute itself. The Board will meet in Bombay, and will pay the income received from the endowment properties to the Council, to which body it will also render annual accounts.

The Board of management was constituted in May 1909, and the Court of Visitors, the Council and the Standing Committee of the Court were finally notified in the course of 1909-10. The following extract from their resolution of the 27th May 1909 explained the policy and attitude of the Government of India towards the Institute :—

“ While sympathizing cordially with the far-reaching ideals of its promoters, the Governor-General in Council has no desire to associate himself intimately with the actual administration of the Institute, or to claim a determining voice in the settlement of the lines of research to be followed and the methods of instruction to be employed. He is, indeed, ready to assist in furthering by all legitimate means the great undertaking which owes its origin to the generous philanthropy of the late Mr. Tata, and has since his death been wisely and liberally promoted by his sons. But he realizes that the results of the experiment that is now about to be tried will depend less upon the conditions of the project itself than upon the character and energy of those who may come forward to take advantage of the facilities for advanced studies which it will offer. The Government of India are anxious in no way to interfere with the free growth of whatever forms of intellectual activity and economic enterprise the Institute may encourage or create, and they will therefore confine themselves strictly to exercising no more than that degree of influence and control which is justified, and indeed rendered obligatory, by the substantial grant-in-aid which they have determined to contribute.”

It has been arranged that the audit of the general and building accounts of the Institute shall be done by the Auditor of Local Fund Accounts, Madras.

In March 1910 the Government of Bombay intimated that the Governor in Council had made a grant of Rs. 1,00,000 to the Institute, half of which would be paid in the current year and the balance as funds permitted.

11. At the close of 1905 the Secretary of State forwarded a report on the

Technical scholarships. conduct and progress of certain Indian students who had been granted tech-

nical scholarships to attend the training course of the University of Birmingham. The report was unsatisfactory and the Secretary of State decided that it was desirable in future to place the scholars under more stringent regulations. Lord Minto's Government entirely agreed and accepted the rules which the Secretary of State proposed to frame. The correspondence and the rules were communicated to the local Governments concerned. Subsequently it was considered advisable further to systematize the pro-

(a) { H. D. nctn. no. 433, d. May 27, 1909.
H. D. resn. nos. 434-443, d. May 27, 1909.

cedure to be observed in selecting scholars for state technical scholarships, and Lord Minto's Government accordingly in November 1907 announced that during the year 1908-09 and the following years ten scholarships would be awarded annually, provided that the requisite number of suitable candidates was forthcoming, and further that all local Governments would as far as possible be given an equal share in the benefits of the scholarship scheme, and that at least one scholarship would be available annually for each province, if the local Government or Administration had a suitable candidate to nominate and its recommendation was submitted in accordance with the principles prescribed in 1902. Local Governments were informed that an essential factor in the scheme was that the industry to be studied should be already developed or in the process of development in the province, that the industry or industries to be encouraged should be selected in consultation with the mercantile and industrial public, and that applications for scholarships should be invited only after the industry had been selected. Owing to the dearth of eligible candidates in some provinces it might sometimes happen that two scholarships would be available for allotment to others and it was therefore suggested that more than one candidate should be recommended and that in such cases the candidates need not be selected for the same industry.

(d) EUROPEAN EDUCATION.

12. Under article 14 of the revised Code for European Schools, which was issued in 1905, local Governments were precluded from making any alterations in the code without the previous approval of the Governor-General in Council. The observance of this rule frequently led to useless labour and delay, and Lord Minto's Government authorised local Governments to make amendments without reference to them except in cases involving a fundamental departure from general principles¹.

13. The need of Europeans and Eurasians for separate school education is already recognised and provided for; but as the existing scheme of European education in India does not lead up to the University they have hitherto had to adapt themselves to the Indian University system, which is primarily intended for the benefit of natives of this country. Moreover, on general grounds it was considered desirable to give some inducement to these classes to pursue their studies up to a high standard and to offer them some prizes to look forward to in their own line of education. After consulting local Governments on the question, the Government of Lord Minto obtained the sanction of the Secretary of State to the following scheme:—One scholarship of the value of £200 a year to be awarded annually to a European or Eurasian candidate who is a native of India within the meaning of Statute 33, Vict., Cap. 3, sec. 6, and whose parents are not resident in India for temporary purposes only, and to be tenable for three or four years at an English University, or, with special permission, at a foreign University. Candidates belonging to these classes are not eligible for the two University State scholarships at present granted to natives of India².

After consulting the local Governments, the Government of India decided that female candidates should not be eligible for this scholarship on the ground

(a) H. D. letter nos. 1000-1007, d. Nov. 20, 1907.
(b) H. D. letter nos. 423-435, d. May 22, 1903.

(c) { F. D. desp. no. 333, d. Sep. 13, 1906.
Desp. no. 181 (1 ub.), d. Nov. 30, 1906.
H. D. resn. nos. 221-38, d. Mar. 19, 1907.

that, as there was only one scholarship a year, it was in the public interest that it should be reserved for male candidates^a.

14. The questions of the improvement of technical education and of the education of Europeans and Eurasians in India had engaged the attention of Lord Curzon's Government. It was apprehended that unless substantial assistance was given to provincial Governments there was small likelihood that, in view of other emergent demands upon the provincial allotments for education, the claims of these two important objects would obtain due recognition. It was their intention to allot a recurring grant of five lakhs annually to be equally divided between the claims of technical and of European education in India. Lord Minto's Government shared the views of their predecessors in this matter and in addressing the Secretary of State on the subject in January 1906 stated that it was desirable that they should be empowered to proceed with the distribution of the intended grants^b. They hoped, therefore, that the Secretary of State would permit them to facilitate the introduction of much needed and urgent reforms by distributing the grant-in-aid of technical and European education, according to the relative needs of the different provinces on certain specified conditions. This request was sanctioned and the distribution of the grant for European education between the provinces was made by the Government of India. Out of the total allotment Madras received Rs. 40,000, Bombay Rs. 35,000, Bengal Rs. 65,000, the United Provinces Rs. 50,000, the Punjab Rs. 27,000, Burma and the Central Provinces Rs. 12,000 each, and Eastern Bengal and Assam Rs. 5,000.

15. Owing to its unsatisfactory condition both from a financial and educational point of view St. James's School at Calcutta was closed at the end of 1904. This event gave rise to several important questions. On the one hand the position of the Trustees was found to be legally defective and it became necessary to re-form the Trust and to establish it on an improved basis. On the other hand the question how to apply the proceeds of the Trust in the general interests of that class of education for which the institution was established had to be decided. The whole question was fully considered by the Hill Schools Committee, which was appointed by Lord Curzon's Government in 1903, and subsequently by the Government of Bengal, the Director General of Education and the Director of Public Instruction, Bengal. The Government of India finally decided that with a view to the settlement of the legal position a friendly suit should be instituted in the Court of the District Judge of the 24-Parganas, and that the local Government should apply for an order from the court instituting a regular scheme for the vesting of the properties in a Board of Trustees consisting of the Bishop of Calcutta, the Archdeacon of Calcutta, the Director of Public Instruction, the Commissioner of the Presidency Division and the Chairman of the Municipal Corporation of Calcutta. With regard to the objects of the Trust it was decided that it should be administered in accordance with rules framed by the local Government, that it should provide for a certain number of scholarships for European and Eurasian boys; and that these scholarships should be tenable at any Church of England school in India^c.

16. The Government of Burma submitted a proposal for the addition of an appointment to the Indian Educational Service to provide for a Principal for the

(a) H. D. letter nos 686-695, d. Aug. 19, 1908.

(b) Desp. no. 5, d. Jan. 11, 1906.

(c) H. D. letter no. 69, d. Jan. 21, 1908.

Government High School for Europeans and Eurasians at Maymyo. Government High School for Europeans and Eurasians at Maymyo. This proposal was recommended to the Secretary of State but his Lordship declined to sanction it on the ground that there was no precedent for such an appointment, and, that having regard to the great difficulty already experienced in securing recruits of the required standard for the Indian Educational Service, it was undesirable on novel grounds to make any additions to the strength of the cadre. He also drew attention to the fact that, under the custom prevailing in other provinces, schools for Europeans and Eurasians were managed by private bodies who received from Government merely financial aid under the education code. The views of the Secretary of State were communicated to the Government of Burma who resubmitted the proposal in a modified form suggesting that the pay of the Head Master of the Maymyo school should be raised from Rs. 200—20—300—to Rs. 500—40—700; that the appointment should be included in the Provincial Educational Service and that its designation should be changed from "Head Master" to "Principal". In reply the Government of India observed that this proposal differed little from that previously submitted, and that it would also require the sanction of the Secretary of State. They pointed out that there were objections to the admission of Europeans to the provincial educational service, and suggested that, in the event of its being found impossible to secure a suitable headmaster on the existing terms of the appointment, the local Government should divest itself of the management of the institution by transferring it to some private body, and making to the latter a grant-in-aid sufficient to enable it to employ a satisfactory staff. As the local Government in its reply represented that it was not feasible to transfer the school to private management the Government of India supported the proposal that the pay of the appointment should be raised to Rs. 500—40—700 and that it was essential that a European should be appointed to it. The Secretary of State sanctioned the creation of a special post outside the Indian educational service on the salary recommended.

17. During Lord Curzon's Viceroyalty the London Board of Education submitted proposals for the recognition of schools in India by the Board for the purpose of the registration of teachers in England as qualified certificated teachers under the English code. The proposals were welcomed by the Government of India as likely to promote the efficiency of European schools. Since then several schools in the various provinces have successfully obtained recognition, but in some cases the Board have found it necessary to be furnished with detailed particulars before according recognition.

In June 1906, the Board of Education drew attention to a provision in the Education Bill then before Parliament, which might have resulted in the discontinuance of the Teacher's Register. They observed that if the register were discontinued, recognition for the Teachers' Registration Regulations would cease in consequence, since these regulations were framed for forming and keeping the register. While the position of the register remained undecided the Board expressed their readiness to consider schools for recognition in connection with the Teachers' Registration Regulations if desired, but, under the circumstances, they were not prepared to grant recognition for a period extend-

(a) Desp. no. 79 (Pub.), d. May 29, 1908.
 (b) Burma letter no. 421-M.-1, E. 58, d. Oct. 30, 1908.
 (c) H. D. letter no. 103, d. Feb. 9, 1909.

(d) { F. D. desp. no. 172, d. July 22, 1909.
 { Tel. from S. of S., d. Dec. 20, 1909.

ing beyond the end of that year. A copy of the Board's letter was communicated to local Governments^a.

In May 1903, the Board submitted a proposal to recognise teaching service rendered in Government or aided schools in India as discharging the undertaking which requires candidates for admission as recognised students of a training college, to render a specified period of service, after training, in an approved school. The proposal was communicated to local Governments and Administrations with the suggestion that the local Educational Departments should forward applications for the benefit of the proposed concession, with a certificate as to the correctness of any information that may be contained in the application on the following points :—(a) whether the applicant is, or has been, employed in a State school or in an aided institution inspected by Government ; (b) the length of service rendered by the applicant at such school. The proposal was cordially welcomed and the Secretary of State informed accordingly^b.

(e) UNIVERSITY AND COLLEGIATE EDUCATION.

18. The Indian Universities Act, 1904, provides that the Lieutenant-Governor of Bengal for the time being shall be Rector of the Calcutta University.

General.

On the representation of Sir Andrew Fraser, the Government of India considered it expedient that provision should be made for associating the Rector more closely than had hitherto been the case with the administration of the University and they accordingly decided in March 1906 that in future all correspondence which they address to the Registrar of the University should ordinarily be forwarded through the Rector ; and they directed that a similar procedure should be observed in the case of communications from the Calcutta University which are intended for the Government of India^c.

In March 1906 the Hon'ble Dr. Asutosh Mukherji, a Judge of the Calcutta High Court, was appointed to be Vice-Chancellor of the Calcutta University in succession to Sir Alexander Pedler, Kt., C.I.E., who resigned that office on his retirement from Government service. In March 1908 and again in March 1910 the Hon'ble Mr. Justice Mukherji was reappointed to be Vice-Chancellor.

At a full meeting of the Senate of the Calcutta University held on the 11th November 1905, it was resolved unanimously to confer the Honorary Degree of Doctor in the Faculty of Law on the Prince of Wales during His Royal Highness's visit to Calcutta. Lord Minto, as Chancellor of the University, confirmed the Senate's recommendation and at the special convocation held on January 5, 1906, conferred the degree on His Royal Highness^d.

19. The passing of the Indian Universities Act, 1904, made it necessary to define the territorial limits within which, and to specify the colleges in respect

Territorial limits of Universities.

of which, any powers conferred by the law, should be exercised. In the case of the Punjab it was necessary for the Government of India to consider whether the jurisdiction of the University should be extended to the United Provinces, Rajputana, Central India and Hyderabad in respect of the affiliation of colleges and examination of students for degrees and titles in oriental learning. As regards the examinations for degrees in oriental learning it appeared that the Act of 1904 and the regulations framed under it by the Senate of the Punjab University effected no change, and the Government of India therefore

(a) H. D. endt. nos. 544-551, d. July 28, 1906.
(b) H. D. despr. no. 9, d. Apr. 21, 1910.

(c) H. D. letter no. 174, d. Mar. 29, 1906.
(d) H. D. letter no. 797, d. Dec. 21, 1905.

saw no reason for suggesting an enlargement of the jurisdiction of the Punjab University which would have the effect of making degrees in oriental learning attainable by students from areas to which they were not previously open. On the other hand in the case of diplomas and literary titles in oriental learning the position was different. Candidates had hitherto been enabled to appear for these at centres beyond the limits of the University's jurisdiction as defined in accordance with the Act of 1904, and it was therefore necessary to consider whether they should still be enabled to do so, and if so, what steps were necessary to that end. The earlier correspondence of 1904 had shown that while the Government of Madras saw no objection to the extension of the jurisdiction of the Punjab University to the Hyderabad State on certain conditions, the Government of the United Provinces took exception to the exercise by the Punjab University of any jurisdiction within the territorial limits of its own University which included the Central India and Rajputana Agencies; indeed the Government of India had already decided that no such extension of jurisdiction over these areas should be attempted. Such being the case the question of the exercise of jurisdiction in Hyderabad was the only one left for consideration. The difficulties in the way of affiliating the institutions in that State to the Punjab University were explained to the local Government, and it was suggested that if it was still considered desirable to provide for the case of students from Hyderabad the Senate of the University might be moved to add a clause to the regulations relating to private candidates which would specially provide for the case of candidates for diplomas and literary titles from the Hyderabad State^a.

The Senate of the Punjab University considered that unless the University's jurisdiction were extended to Hyderabad no change in the regulations would empower it to conduct an examination in that State. The Government of India were not however prepared to extend the jurisdiction except upon the application of the Nizam's Government and upon that Government taking the initiative in the matter^b. In the result, the Senate decided to discontinue the examinations for diplomas and literary titles in Hyderabad, as the State would not be seriously inconvenienced by their cessation.

It has been decided that, as the Straits Settlements are not within the province of Burma, candidates residing there cannot be admitted to the examinations of the Calcutta University.

20. In accordance with the provisions of the Indian Universities Act the

Inspection of colleges.

Senate of the Calcutta University appointed a Commission for the inspection

of colleges affiliated to the University and adopted certain rules framed by the Syndicate for the purpose. The College Dupleix at Chandernagore which had been affiliated to the University in 1890 was included among the institutions to be inspected by the members of the Commission. The Governor of the French Colonies in India, however, in a communication addressed to Lord Curzon's Government in September 1905 took exception to the proposed inspection of this College by officers nominated by the Senate; and in view of his representation the Government of India suggested to the authorities of the University that the inspection of the college should be postponed until the representation made by the French authorities which involved diplomatic questions had been settled. The Syndicate accepted this suggestion and

(a) H. D. letter no. 155, d. Mar. 21, 1906.

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(b) H. D. letter no. 718, d. Sep. 20, 1906.

postponed the inspection of the college. In February 1906 Lord Minto's Government explained the position to the Governor of the French Settlements and suggested that a meeting should be arranged between the Administrator of Chandernagore and the Secretary in the Foreign Department at which some *modus vivendi* based perhaps on inspection by a competent person, approved by the French authorities, might be arrived at. With the Governor's approval the college was inspected in December 1906 by the Director of Public Instruction, Bengal and as a result the Regulations of the Calcutta University were amended so as to enable the students to take up French as a second language at the matriculation Examination. In July 1908 the Governor intimated that he had discontinued the intermediate classes at the College Duplex but that the institution would continue to conform to the rules of the Calcutta University in order to maintain the advantages of affiliation up to the matriculation standard.

21. Lord Curzon's Government had fixed 16 years as the minimum age for all candidates for matriculation in order to check the tendency to allow im-

Matriculation.

mature students to proceed to courses of study to which they are mentally and often physically unfitted. In January 1906 the Government of the Punjab reported that in deference to the unanimous opinion expressed by the members of the Senate, both European and native, against proscribing the age so high as sixteen the Lieutenant-Governor in exercise of the powers vested in the local Government by the Act of 1904 had accepted fifteen as the minimum age for matriculation as recommended by the Senate. This action of the local Government was adversely criticised by the Government of India as constituting a departure from the policy deliberately laid down by them on a subject of much importance.

22. This application was made in 1909 by the Governor of Hong Kong on the

Application for financial assistance towards the establishment of a University in Hong Kong.

ground that Indian interests were largely concerned in China and that the spread of the English language and of British prestige could not fail to promote those interests. The Government of India declined to make any grant in aid on the ground that the considerations put forward did not justify a contribution from Indian revenues.

23. Lord Curzon's Government had set aside and apportioned a recurring

Grants for University and college reform.

grant of five lakhs for five years to enable local Governments to carry out the main portions of the scheme of University reform initiated in 1901, and in December 1905 this grant was distributed between the various provinces for the years 1905-06 to 1908-09 as follows:—Madras Rs. 1,05,000, Bombay Rs. 65,000, Bengal Rs. 1,10,000 in 1905-06 and Rs. 1,60,000 thereafter up to year 1908-09; United Provinces Rs. 80,000, the Punjab Rs. 60,000; Eastern Bengal and Assam, Rs. 45,000 in 1905-06, and Rs. 20,000 in the other years, and the Central Provinces Rs. 35,000 in 1905-06, and Rs. 10,000 in the following years up to the year 1908-09. The three heads of expenditure on which the grants were to be utilized were firstly, the improvement of colleges; secondly, University purposes, such as inspection, administration and travelling and thirdly, University buildings.

When the question of continuing the grant beyond the 5 years' period came under consideration, it was shown that the work of University reform

(a) H. D. letter no. 166, d. Mar. 8, 1909.

| (b) H. D. letter nos. 752-58, d. Dec. 6, 1905.

would, in some respects, be completely paralysed if the grants were discontinued or curtailed. A report was called for^a from local Governments as to the probable amount of future grants, but while the matter was under consideration the new financial settlements of Madras and the United Provinces Governments were introduced with effect from the year 1908-09, and the University grants of Rs. 1,05,000 and Rs. 80,000 respectively were merged in those settlements, which made full provision for the existing standard of expenditure under education. As the replies of the other local Governments showed that the condition of the provincial finances in most provinces prevented charges, hitherto incurred from the Imperial grants, being met from Provincial revenues without curtailing expenditure on other important branches of education and as little was to be expected from private munificence, budget provision was made, with the sanction of the Secretary of State for Rs. 3,15,000, the balance of the 5 lakh grant for the remaining provinces. In January 1910 the Secretary of State at the instance of the Government of India, sanctioned the continuance of the annual grant of Rs. 3,15,000, for a further period of three years. The distribution made to local Governments for the years 1910-11 to 1912-13, was as follows:—Bombay Rs. 55,000, Bengal Rs. 1,60,000, Punjab 30,000, Eastern Bengal and Assam Rs. 60,000, and the Central Provinces Rs. 10,000. The question of the further continuance of these grants after 1912-13 is to be considered in 1912^b.

24. In January 1910 the Government of India sanctioned the payment of an annual grant of Rs. 10,000 from Imperial revenues to the Calcutta University from the current financial year on account of the salary of the Minto Professor of Economics.

25. *Madras*.—In order to meet the requirements of the new University Regulations the local Government submitted proposals for strengthening the staff of the Government first grade college in the Presidency. The following increases were essential (1) Presidency College: four, two and seven officers respectively of the Indian, provincial and subordinate educational services; (2) Kumbakonam and Rajahmundry Colleges: one officer each of the provincial service. The cost of the scheme amounted to Rs. 60,566 a year. The proposals were referred to and sanctioned by the Secretary of State who also promised to recruit the four officers for the Indian Educational Service^c.

Bengal.—In July 1907 the Secretary of State was asked at the instance of the Government of Bengal to sanction the establishment of a residential Arts College at Ranchi^d. The objects of the scheme were threefold:—(1) to provide a college for the Chota-Nagpur Division, which alone out of the Commissionerships of Bengal had no such institution, (2) to take advantage of the exceptionally favourable conditions of Ranchi, climatic and otherwise, to establish there an educational centre for the whole province, and (3) to provide a good residential college for the sons of zamindars and other leading classes. The scheme involved the addition of a principal and three professors to the Indian Educational Service and the entertainment of an additional professor and bursar outside the Educational Service on a special rate of pay. The

(a) H. D. letter nos. 933-937, d. Nov 5, 1903.
 (b) } F. D. desp. no. 281, d. Dec. 9, 1909.
 } Desp. no. 7 (Pub.), d. Jan. 28, 1910.
 (c) H. D. letter nos. 322-326, d. Apr. 9, 1910.

(e) { F. D. desp. no. 165, d. July 8, 1909.
 { Desp. no. 124, (Pub.), d. Sep. 3, 1909.
 (d) F. D. desp. no. 275, d. July 25, 1907.

initial cost was estimated at about 4½ lakhs and the scheme was warmly supported by leading Indian gentlemen who contributed more than three lakhs of rupees for the building of the proposed hostels. The College was designed to provide for about 150 students, who were to be housed in separate hostels for Hindus and Muhammadans, constructed from the funds privately contributed. The hostels were however to be the property of the Government. Certain principles were laid down by Lord Minto's Government with regard to religious instruction, the chief of which was that Government should have no direct responsibility in the matter and that religious instruction should be confined to prayer or the delivery of addresses in a room set apart for that purpose. No public celebration of festivals or public acts of worship within the College precincts was to be allowed. The Secretary of State sanctioned the scheme; but in view of the financial situation desired that the work should not be commenced and that no expenditure should be incurred without a further reference to him^a. In order to give effect, as soon as possible, to the scheme the Maharaj Adhiraj of Burdwan and some of his friends offered to contribute a lakh of rupees towards the cost of building the college, provided that the work was started by August 1908. With the approval of the Secretary of State this generous donation was accepted on the condition that the Government of Bengal undertook to provide during the next financial year the necessary funds to carry the scheme to completion^b. In May 1909 the local Government reported that the scheme had been held in abeyance owing to financial pressure, but that in the meantime as doubts had been expressed whether the College would satisfy a real public want the Lieutenant-Governor would discuss the whole question afresh at a conference about to be called. A hope was expressed that the Government of India would assist with funds. In reply the Government of India made it clear that no assistance would be given from Imperial revenues and that if it was decided to proceed with the scheme the cost must be met from provincial revenues and public contributions^c.

In August of the same year the local Government reported that as a result of the conference it had been decided to postpone the scheme indefinitely and with the consent of the donors, to utilise the subscriptions already received for hostels in connection with the proposed college, in constructing similar hostels at the Presidency, Patna, and Cuttack Colleges and at the Calcutta Madrasa. The Government of India recognised that the postponement of the scheme in its original form was inevitable in the present state of the provincial finances but they viewed with disappointment the indefinite postponement of the idea of providing in some form an institution for the higher education of the well-to-do classes which they regarded as a measure of great political and educational importance. They indicated as the ideal to be aimed at the institution in the two Bengals of (1) a first rate college with the very best English staff that could be obtained, for the sons of landholders and other well-to-do classes, and (2) an institution on the lines of the Aligarh College for Muhammadans. As to the latter they suggested that it might be provided by removing the Calcutta Madrasa to a more suitable site either in Bengal or in Eastern Bengal and Assam and re-organizing it on the lines of the Aligarh College. They asked that the decision to utilise the money already subscribed for residential hostels at the Ranchi College in providing accommodation at certain existing institutions should be held in abeyance pending the further consideration of the above proposals^d.

(a) Desp. no. 201, d. Dec. 18, 1907.

(b) Tel. from S. of S., d. Aug. 12, 1908.

(c) H. D. letter no. 486, d. June 4, 1909.

(d) H. D. letter no. 825, d. Sep. 16, 1909.

In view of further representation from the local Government showing how many difficulties there were in the way of adopting both the proposals made by the Government of India it was decided not to press the matter.

With a view to strengthening the staff of the various Government colleges in Bengal, the local Government submitted proposals involving the creation of 30 additional appointments, *vis.*, 8 in the Indian Educational Service, 9 in the provincial educational service and 13 in the subordinate educational service besides a special appointment of steward for the Presidency College outside the graded service. The average extra expenditure, which was to be gradually incurred, was estimated at about Rs. 1,41,000 a year. The proposals were a direct consequence of the introduction of the new regulations of the Calcutta University which were framed with the object of elevating the standard of higher education in Bengal and of securing the due efficiency of affiliated colleges. As the Government of India had accepted the regulations it was essential that Government colleges should be enabled to conform entirely to them and should run no risk, of disaffiliation, particularly as many private institutions in the province were rapidly taking the lead in the matter of reforms. In view of this consideration and of the fact that the proposals seemed to be neither unreasonable nor excessive, the Government of India strongly commended them, in their entirety, to the Secretary of State, and received his sanction^a.

United Provinces.—It was considered necessary that the staff of the Muir Central College, Allahabad, should be strengthened by the addition of two professorships in the Indian Educational Service. The teaching on the Arts side was found to be weak and it was proposed that provision should be made for the teaching of English, history, mathematics and philosophy up to the M. A. degree. With this object an addition to the cadre of the Indian Educational Service of two professorships, one for English and another for history, was recommended to and sanctioned by the Secretary of State^b.

Owing to the inadequacy of the staff of this college the work of instructing the intermediate class in logic and history had to be entrusted to a teacher of the collegiate school. Objection was taken to this arrangement (which had already been condemned by the Indian Universities Commission) by the authorities of the Allahabad University, who recommended that the college staff should be augmented by the appointment of a professor. The local Government proposed that this additional appointment be made as an addition to the Indian Educational Service cadre, and in view of the importance of Government colleges conforming entirely to the standards, in respect of staff, which are imposed by the new University Regulations, the Government of India strongly recommended the proposal to the Secretary of State^c. An officer was appointed in March 1910 by His Lordship.

Punjab.—In view of the inadequacy of the existing provision for the teaching of science in the Government College, Lahore, a separate professorship of chemistry in the Indian Educational Service was added in February 1906 to the staff of the institution^d.

Burma.—In April 1907 the Government of Burma submitted proposals for strengthening the lecturing staff of the Rangoon College with the object of widening the scope of the college so as to provide completely for both courses of the B. A. degree and for the M. A. degree of the Calcutta

(a) { F. D. desp. no. 125, d. Apr. 30, 1908.
 { Desp. no. 80 (Pub.), d. May 21, 1909.
 (b) { F. D. desp. no. 82, d. Jan. 30, 1908.
 { Desp. no. 31 (Pub.), d. Mar. 13, 1908.

(c) F. D. desp. no. 296, d. Oct. 15, 1908.
 (d) Desp. no. 6 (Pub.), d. Jan. 12, 1906.

University; the professors of English and history were to be included in the Indian Educational Service and recruited for a term of years on a salary of Rs. 500-50-700 a month, and a lecturer in philosophy was to be recruited in the provincial educational service. It was also proposed to raise the pay of certain other locally recruited appointments. To the latter proposal the Government of India raised no objection, but as regards the former they suggested that it would be preferable to recruit in England both the professors of English and history and philosophy on the usual terms as permanent members of the Indian Educational Service. The local Government accepted these suggestions and its revised proposals were recommended to and sanctioned by the Secretary of State^a.

In March 1910, at the instance of the local Government, the Government of India recommended to the Secretary of State the addition to the Indian Educational Service of an appointment of professor of physics for this College^b.

Eastern Bengal and Assam.—The Cotton College, Gauhati, was established in 1900 as a second grade arts college and in view of its marked success since its establishment, the strong public sentiment in favour of a local first grade college, and the necessity for the encouragement of collegiate education among the Assamese, the local Government submitted proposals in 1907 for raising its status to that of a first grade college. Lord Minto's Government agreed with the local Government that it was essential in the interests of the people of Assam that the status of the college should be raised and that the principal should be a member of the Indian Educational Service but they considered that the proposals for the rest of the staff should be regarded as provisional only. On learning that their suggestions were accepted by the local Government the scheme was submitted to and sanctioned by the Secretary of State^c.

The staff then sanctioned was found to be insufficient to meet the growing demand for increased educational facilities at the College, and in March 1910 the local Government submitted a scheme which represented the minimum requirements of the University for the measure of affiliation which the Lieutenant-Governor was anxious to secure for the institution. The scheme involved, at an extra cost of Rs. 24,420, a year, the creation of an appointment in the Indian Educational Service of a professorship of chemistry, three professorships in the provincial educational service and three lectureships in the subordinate service. The proposals were recommended to and sanctioned by the Secretary of State^d.

In order to meet the requirements of the new Regulations of the Calcutta University, it was found necessary to increase the staff of the Dacca College also so as to provide for the teaching of a great variety of subjects and to make it the premier arts college of the province. In addition to four professors for the Dacca College, the local Government proposed the appointment of an Assistant Director of Public Instruction and an Inspectress of Schools, thus increasing the cadre of the Indian Educational Service in Eastern Bengal and Assam from six to twelve officers. The Secretary of State was however only asked to recruit immediately three professors for the Dacca College in addition to the Assistant Director of Public Instruction^e. The fourth professor and the Inspectress of Schools were subsequently added to the

(a) { F. D. desp. no. 13, d. Jan. 9, 1908.
{ Desp. no. 27 (Pub.), d. Mar. 6, 1908.
(b) S. D. desp. no. 63, d. Mar. 17, 1910.

c { F. D. desp. no. 51, d. Feb. 20, 1908.
{ Tel. from S. of S., d. June 1, 1908.
(d) { F. D. desp. no. 142, d. June 9, 1910.
{ Tel. from S. of S., d. Aug. 24, 1910.

(e) F. D. desp. no. 440, d. Dec. 12, 1907.

cadre. In connection with the appointment of an Assistant Director of Public Instruction the Secretary of State laid down the principle that for such posts an officer, who has already had considerable experience in India as an Inspector, should be selected and that the newly recruited officer should take up the duties of an Inspector in his place^a.

As a further result of the University's requirements in connection with this College, the local Government recommended the addition of three appointments to the Indian Educational Service, and three appointments to the provincial service, the extra expenditure involved being about Rs. 41,400 a year. The Government of India strongly supported the proposals to the Secretary of State on educational as well as political grounds, and they have recently been sanctioned by His Lordship^b.

In response to the pressing demands in the Chittagong division for higher education arising mainly from the rapid growth of the local population and the increasing importance of the town of Chittagong as a commercial centre, the Government of Eastern Bengal and Assam submitted a scheme for raising the status of the 2nd grade Government college at Chittagong to that of a 1st grade college. The scheme, which entailed an initial outlay of Rs. 48,000 and a recurring annual charge of Rs. 41,622, and involved the creation of a principalship in the Indian Educational Service, and of several appointments in the provincial and subordinate educational services, was recommended to and sanctioned by the Secretary of State^c.

Owing to the unsatisfactory condition of the Murarichand second grade college at Sylhet and to the fact that the proprietor was unable, even with the offer of Government assistance, to undertake to equip and maintain it in accordance with the new regulations of the Calcutta University, the Government of Eastern Bengal and Assam proposed with the consent of the proprietor, to provincialise the institution, on certain conditions, with effect from the session of June 1909-10. The expenditure involved was an initial cost of Rs. 1,04,500 and a recurring annual charge of Rs. 24,960. The teaching staff was to consist of officers of the provincial and subordinate educational services. The Government of India sanctioned the proposals, but expressed the hope that at some future time a member of the Indian Educational service might be appointed as Principal of the College^d.

Central Provinces.—In November 1905 the Secretary of State finally approved of the arrangements for improving the status and conditions of the Morris College at Nagpur, which had been made by Lord Curzon's Government^e.

26. *Madras.*—The period of five years for which the Secretary of State had

Law Colleges.

sanctioned the continuance of the Madras

Law College having expired, the Government of Madras recommended that the college should in future be recognized as a permanent institution. The local Government showed that the college was now firmly established, and that its financial condition was secure. As regards the future control of the institution, they explained that the time had not yet arrived for severing its connection with Government and for placing it on an independent footing, as the University, as then constituted, was not in a position

(a) Desp. no. 71 (Pub.), d. May 15, 1908.

(b) { F. D. desp. no. 137, d. June 2, 1910.

(c) { Desp. no. 91, (Pub.), d. July 29, 1910.

(e) Desp. no. 145 (Pub.), d. Nov. 10, 1905.

(a) { F. D. desp. no. 845, d. Dec. 10, 1908.

(b) { Desp. no. 22 (Pub.), d. Jan. 29, 1909.

(c) { H. D. letter no. 488, d. June 4, 1908.

to control it effectively, and there was no other body to whom its administration could be entrusted. It was therefore necessary to maintain the existing arrangements for its control. The Government of India supported the local Government's recommendation, which was accepted by the Secretary of State'. The latter at the same time sanctioned a proposal to confirm Mr. R. A. Nelson, the Principal of the College, permanently in his post on a fixed salary of Rs. 1,500 a month.

Calcutta.—The Senate of the Calcutta University applied for the sanction of the Government of India to a proposal of the University to establish a Law College in Calcutta. They were informed that the specific sanction of the Government of India was not necessary under the provisions of the Indian Universities Act, 1904 (VIII of 1904). The Government of India, however, intimated that they had learnt with satisfaction of the intention of the University to establish a model law college, and that they cordially sympathised with the objects of the scheme'.

Patna.—In May 1909 the Government of India sanctioned a scheme submitted by the Government of Bengal for the establishment of a Government Law College at Patna and the appointment to the College of a whole-time professor of law on a salary of Rs. 500 a month, outside the grades of the educational service'.

Allahabad.—Lord Minto's Government approved in 1908 of a scheme for the establishment of a Central Law College at Allahabad by the Allahabad University. For the purpose of a site for the College and hostel and an office for the Registrar of the University Rs. 35,000 were allotted out of the Imperial grant of five lakhs made for the benefit of University and Collegiate education, and an additional grant of one lakh of rupees was made to the University by the United Provinces Government. The Law College was opened on the 1st July 1907 and from that date the law classes attached to the Muir Central College were discontinued, and the law professorship and two law readerships in that institution were abolished'.

Dacca.—In February 1910 the local Government submitted a scheme for the establishment of a Law College at Dacca. It involved the substitution for the existing law classes of the Dacca Arts College of a Law College on a quasi-independent basis, but closely connected with the Arts College, by the circumstance (a) that the Governing Body of the Law College, with a slight addition to its strength, was to be identical with that of the Arts College, (b) that the former would be held in the buildings of the latter and (c) that the Principal of the Arts College would also be the Principal of the Law College. The Staff of the Law College was to be strengthened by the creation of a Vice-Principalship who would be a whole-time professor, on a salary of Rs. 750 a month and two Lecturers (to be allowed private practice) on Rs. 200 each a month. In recommending the scheme for the sanction of the Secretary of State the Government of India observed that the provision at Dacca of adequate facilities for legal instruction was a matter of considerable importance since affiliation in law had been withdrawn from the Rajshahi and Chittagong Colleges and the Dacca College would be in future the principal, if not the only, centre of legal education in the province'. The scheme has been sanctioned by the Secretary of State'.

(a) F. D. desp. no. 167, d. May 23, 1907.

(b) Desp. no. 116 (Pub.), d. Aug. 16, 1907.

(c) H. D. letter no. 706, d. Aug. 25, 1908.

(d) H. D. letter no. 408, d. May 21, 1909.

(e) H. D. letter no. 45, d. Jan. 14, 1908.

(f) F. D. desp. no. 143, d. June 9, 1910.

(g) Tel. from S. of S., d. Aug. 10, 1910.

27. In 1904 the Government of Lord Curzon inquired whether the Universities concerned would recognize, as equivalent to their matriculation examination, the diploma to be granted from the Chiefs' colleges situated within their respective jurisdictions, to students who succeed in passing their school-leaving examination. The proposal was accepted by the Punjab and Allahabad Universities but not by the Bombay University.

28. At the request of the Syndicate of the Calcutta University, the Government of India in 1908 placed at the disposal of that body, for one year, the services of an expert accountant for the purpose of auditing the accounts of all affiliated colleges and schools, and of proposing a scheme on which the auditing should be carried out in future. The cost of the officer's deputation was borne by Government, and the period of his special duty was subsequently extended by six months.

In view of the increasing measure of Government assistance extended to European schools the Government of Bengal recommended the appointment of a whole-time auditor in order to ensure that the account books were maintained on a sound and uniform system, and that the annual financial returns were prepared in an easily intelligible form. As, however, the practice of employing a paid auditor in other provinces had proved unsatisfactory, the Government of India negatived the local Government's proposal but offered to place the services of a European Accounts Officer at its disposal for a period not exceeding one year, for the purpose of auditing the accounts of European schools in Bengal and of proposing, in consultation with the educational authorities, a suitable system of accounts for future use.

(f) MISCELLANEOUS.

29. The review for the period 1902-1907 was prepared by the Hon'ble Mr. Orange, C. I. E., Director General of Education in India, assisted by Mr. G. Fell, C. I. E., Deputy Secretary to the Government of India in the Home Department, who was placed on special duty for the purpose for three months from the 1st October 1908. It was published in 1909.

30. *Madras*.—The Government of Madras submitted proposals in 1907 for the improvement of the training of teachers for lower primary schools. The scheme provided that the course should be lengthened to two years, that it should include the improvement of the general education of the students as well as their training in the art of teaching, and that practising schools should be provided. It did not provide for the improvement of the training of teachers for upper primary schools. Lord Minto's Government would have preferred to have a complete scheme for the improvement of the training of teachers for all primary schools, but in deference to the urgent request of the local Government that the scheme for training teachers for lower primary schools should not be delayed pending the submission of a more comprehensive scheme for the improvement of training schools, they obtained the sanction of the Secretary of State to the local Government's proposal.

Bengal.—In January 1905 the Secretary of State sanctioned a scheme submitted by the Government of Bengal for the better training of teachers in

English and Vernacular schools. The main features of this scheme were :—(1) the establishment of a teachers' training college at Hooghly affiliated to the University, providing a one year's course leading up to the degree of Licentiate in Teaching; (2) the establishment of two non-affiliated normal colleges,—the one at Dacca, the other at Bhagalpur,—providing a two years' course consisting of both professional training and general study, and leading up to a departmental certificate; (3) the creation of an extra post in the Indian Educational Service, and the recruitment therein of a Superintendent of English Training Schools, who would also be the Principal of the College at Hooghly; (4) the creation of six posts outside the grades, and the recruitment therein of six European officers as head masters and masters of method for these colleges; (5) the placing of the entire system of training of vernacular teachers under the superintendence of an officer of the Indian Educational Service who would also be head of a central training school to be established at Bhagalpur.

Owing to the changed conditions resulting from the partition of Bengal and the new Regulations of the Calcutta University the local Government found it necessary to reconsider the above scheme so far as it related to the training of English teachers, and the Lieutenant Governor finally recommended in June 1910, (1) the amalgamation of the two proposed colleges at Hooghly and Bhagalpur in a single institution in Calcutta, with two courses, a junior confined to Intermediate passed men and leading up to the L. T. degree, and a senior for graduates leading up to the B. T. degree; (2) that the Hare School should be removed from its present site within the Presidency College compound to the site ultimately chosen for the erection of the training college buildings, and should be employed as a demonstration school; (3) that the staff of the college should consist of four European professors fully trained in the art of teaching; two Indian members of the provincial educational service; a drawing master and a drill master; (4) that all the European professors should be recruited in the Indian Educational Service; (5) that, as the scheme for a training college would take time to launch, training classes on a moderate scale should be opened in hired premises near the Presidency College.

These proposals are under the consideration of the Government of India but pending the establishment of the training college the Lieutenant Governor sanctioned the opening of a training class, for a limited number of teachers, with effect from the 1st July 1908, in connection with the Hare and Hindu Schools, the classes of which would be utilised for practical work. The local Government reported that these classes which are now known as the David Hare Training College have been doing satisfactory work and that the scheme would be developed gradually as funds became available^a.

In view of the pressing need for trained women teachers the Government of Bengal submitted a scheme for the establishment of a training college at Bankipur, the main object of which was to train female vernacular teachers for primary schools. The scheme contained provision for the following staff (a) a lady principal to be recruited from England on a salary of Rs. 500 for the first three years, rising thereafter by annual increments of Rs. 25 to a maximum of Rs. 800, free quarters being also provided, (b) two mistresses of method on Rs. 150 each a month and (c) two lady governesses on Rs. 50 a month, whose duty would be to look after the students during the day-time when not actually in class. While prepared to approve the proposals generally the Government of India were inclined

(a) Bengal letter no. 700 T-G, d. June 3, 1910.

to doubt whether a lady principal with the qualifications specified was actually required, nor were they convinced of the necessity for the appointment of lady governesses. In the case of the lady principal they suggested that the local Government should endeavour to procure in India at a lower scale of pay a candidate with less pretentious qualifications or, if that was found to be impracticable, that a lady possessing the requisite experience of the country should be selected in India and sent to England to be trained for the appointment. If, however, it was found necessary to adopt the local Government's proposal, they considered that the salary to be offered should not exceed Rs. 400 a month rising by annual increments of Rs. 50, after two years' probation, to a maximum of Rs. 600 a month, with the usual concession of free quarters^a. In its reply the local Government, while accepting the revised rate of salary, justified its original proposals both in respect of the lady principal and the two governesses to the satisfaction of the Government of India, who accordingly recommended the scheme for the approval of the Secretary of State^b. The scheme was sanctioned by His Lordship^c.

United Provinces.—The arrangements for the training of teachers for secondary English schools in the United Provinces having been found inadequate, the local Government submitted proposals in 1907 for the establishment of two training institutions in the province, one of a higher grade at Allahabad, connected with the University and preparing for a degree in teaching, and the other of a lower grade at Lucknow for the training of undergraduate teachers. Each of these institutions was to be provided with a demonstration and practising school, the former having attached to it the district school at Allahabad and the latter the Jubilee High School at Lucknow which was to be transferred to Government for that purpose. The superior staff of the training college at Allahabad was to be strengthened by two officers belonging to the Indian Educational Service, while a third officer of the head master's branch of that service was to be transferred from Benares to Allahabad as head master of the practising school at that place. These proposals were considered by Lord Minto's Government to be framed on sound and moderate lines and were recommended to and sanctioned by the Secretary of State^d.

Punjab.—In pursuance of the decision of Lord Curzon's Government, proposals for establishing at Sanawar a training class for male teachers in European schools were, with the approval of the local Government, recommended to and sanctioned by the Secretary of State^e. Under the scheme the Lawrence Military Asylum at Sanawar will serve the purpose of a practising school, and the Principal of that institution will also be the responsible head of the training class, receiving for these additional responsibilities a local allowance of Rs. 200 a month. The master of the training class upon whom will devolve the more detailed work of training the students and directing their studies, will be a member of the Indian Educational Service on a salary of Rs. 500—50—750. The rate of stipend for students has been fixed at Rs. 40 per mensem. Excluding the stipends, the cost of which will be borne by the provinces from which students are sent, the whole expenditure will be met from the Punjab provincial revenues supplemented by a recurring annual contribution of Rs. 10,000 from Imperial revenues, which will be continued so long as the training class is maintained at Sanawar. The preliminary arrangements for the reception of

(a) H. D. letter no. 555, d. July 13, 1907.
 (b) F. D. desp. no. 84, d. Mar. 19, 1908.
 (c) Desp. no. 71 (Pub.), d. May 15, 1908.

(d) { F. D. desp. no. 11, d. Jan. 9, 1908.
 Desp. no. 28 (Pub.), d. Mar. 6, 1908.
 (e) { F. D. desp. no. 373, d. Oct. 18, 1906.
 Desp. no. 187 (Pub.), d. Dec. 7, 1906.

students having been duly completed, the training class was opened on the 1st June 1907. The Government of India subsequently approved of a proposal put forward by the Government of Madras that the cost of railway fares, at second class rates, should be paid to each stipendiary student on joining and leaving Sanawar and for the annual vacation, the expenditure on this account, as in the case of stipends, being debited to the provinces concerned. The Government of India also suggested to the Punjab Government the advisability of strengthening the staff of the class by the appointment of an assistant to the Vice-Principal on a salary of Rs. 150—20—250, and of specially training for the post one of the existing members of the class. In March 1909, in view of the fact that the stipend of Rs. 40 a month was fixed with reference to the cost of living at Sanawar, the Government of India negatived a proposal that actual teachers while undergoing training there should be granted the full pay which they had been drawing as teachers.

Eastern Bengal and Assam.—The necessity for a training college for English teachers being recognised, the Government of Eastern Bengal and Assam submitted proposals in 1908 for the establishment of such a college at Dacca the main features of which were as follows. The new institution will be composed of two classes, one reading for the degree of licentiate of teaching and the other for the degree of bachelor of teaching of the Calcutta University. It is intended to provide instruction for 150 students when the institution is in complete working order. The departments for F. A's. and graduates will be divided between teachers and inspectors now in employ and candidates for an educational career. The length of the course and the curriculum will be in accordance with the University regulations, and all students will be trained for one or other of the University diplomas. The college will prepare teachers for Government and aided schools, and the students will therefore be either teachers in receipt of allowances or students holding stipends and under contract to serve for a certain time in Government or aided schools on completion of their training. The allowances given to Government servants while on deputation will be regulated by the ordinary rules, while, in the case of teachers who join the college from aided schools, the schools will receive an allowance of one-quarter of the teacher's pay in order to assist the school authorities to procure temporary substitutes. Students who are candidates for the teaching profession will be granted stipends at the rate of Rs. 20 for B. A's. and Rs. 15 a month for F. A's respectively. The staff consists of a principal and professor in the Indian Educational Service, two professors in the provincial educational service, two teachers in the subordinate educational service, and a drawing and drill master. The Secretary of State has sanctioned these proposals^b.

The Eden Female School at Dacca is the principal institution of its kind in Eastern Bengal and its utility has been enhanced by the extension of its scope to the training of mistresses for both English and vernacular schools. The arrangement hitherto in force, under which a head-mistress on Rs. 150 a month was placed in charge of the school, proved unsatisfactory and the local Government proposed that a lady with the highest qualifications should be recruited in the Indian Educational Service and nominated for the post Miss Lena Sorabji, an Indian lady who was considered to possess the necessary qualifications. The Government of India admitted the desirability of creating a post of Lady Superintendent for the school, but they were unable to acquiesce

(a) { H. D. letter nos. 155-161, d. Feb. 23, 1907.
H. D. letter no. 44, d. Jan. 14, 1908.

(b) { F. D. desp. no. 269, d. Sep. 3, 1908.
Desp. no. 199 (Pub.), d. Nov. 20, 1908.

in the proposal that the lady selected should be appointed to the Indian Educational Service on so high a salary as that which is ordinarily attached to men's appointments in that service, *viz.*, Rs. 500—50—1,000 a month. As it was considered improbable that Miss Sorabji's services could be secured at the rate of pay given in a similar appointment in another province the Government of India recommended to the Secretary of State that she should be appointed to the provincial Educational service on a salary of Rs. 500—40—700 a month with house-rent or free quarters as suggested by the local Government². The Secretary of State sanctioned these proposals³.

In August 1909 the Government of India submitted for the sanction of the Secretary of State proposals made by the Government of Eastern Bengal and Assam for the training of primary school teachers in that province. The scheme contemplated the creation of about forty schools for the training of primary school teachers, usually one at the head-quarters of each sub-division, provided with adequate buildings, equipment and staff, and with hostels for the accommodation of the teachers under training. The course of instruction was to extend to two years except for persons already engaged in the teaching profession and those who had passed the middle vernacular course, in whose case it would be limited to one year. The curriculum of the schools was to be revised and improved, and stipends were to be granted to the teachers while under training. In order to provide the requisite staff of teachers it was intended to strengthen the existing cadre of the subordinate educational service and to establish a service of vernacular school teachers in lieu of the present staff of pandits. The cost of the scheme was estimated at Rs. 1,57,648 annually and in addition a non-recurring expenditure of Rs. 2,30,000⁴. The Secretary of State sanctioned the scheme which is to be adopted in whole or in part as the state of the provincial finances may permit and subject to the conditions proposed by the Government of India, *viz.*, that the action now taken by the Government of India and the Secretary of State shall not be construed as an undertaking to afford aid from extra-provincial revenues, or as directing the local Government to carry out the measure to the exclusion of other educational schemes to which it might prefer to devote provincial resources⁵.

31. In consequence of the discovery of a widespread system of frauds at the public examinations, the Madras Government asked during Lord Curzon's tenure of office, for the appointment of an educational officer to supervise all Government examinations in that presidency. The information which they supplied as to the scope and extent of the existing examination system led the Government of India to doubt whether the principles which they had laid down in respect of public examinations and examinations for Government service had been properly applied in Madras. They accordingly invited an explanation in regard to certain points. After considering the reply of the Government of Madras Lord Minto's Government were not convinced that a case had been made out for the new appointment and they accordingly declined to support the proposal to the Secretary of State⁶.

32. In pursuance of the principles laid down by Lord Curzon's Government competitive examination as a means of entry to the provincial service has been

(a) F. D. desp. no. 292, d. Oct. 8, 1908.

(b) Desp. no. 195 (Pub.), d. Dec. 4, 1908.

(c) H. D. letter no. 785, d. Dec. 15, 1905.

(c) F. D. desp. no. 213, d. Aug. 26, 1909.

(d) Desp. no. 148 (Pub.), d. Nov. 12, 1903.

generally abolished in favour of selection either from the subordinate service or from outside sources.

33. In accordance with a request received from the India Office, with reference to a question asked in the House of Commons, the Government of India asked local Governments whether any representations had been made to them in favour of the inclusion of temperance teaching in the curriculum of schools, and if so, what action had been taken in the matter. The replies to this inquiry showed that representations made by temperance societies had always received full consideration from the Governments to which they were addressed and that lessons on temperance were already included in the books read in schools in some provinces and were in the course of preparation in others. The report of the Indian Excise Committee indicated an advance in temperance principles among those classes of Indians whose religion or caste forbids the use of alcohol, and stated that there were many agencies and associations which were devoted to the spread of temperance. The Government of India were of opinion that in India, where the vast majority of the population were sober and temperate, it was sufficient to deal with the subject of intemperance by a few sensible lessons in the prescribed readers and they intimated this view to the India Office and to local Governments. They also invited the views of the latter upon the suggestions made by the Indian Excise Committee for the better protection of the students dwelling in hostels^a. As the replies of local Governments confirmed the opinion of the Government of India that the questions of inculcating temperance principles in schools and of protecting students living in hostels from becoming addicted to habits of intemperance, were already receiving sufficient attention, they decided not to issue any further orders on the subject.

34. In September 1909 the Government of Burma submitted proposals on this subject. The Government of India saw no reason why the same amount of liberty to give religious instruction in Government schools which is provided for in the Education Codes of the United Provinces and the Punjab should not be allowed in Burma. They accordingly accepted the local Governments' proposals subject to the conditions that :—(a) religious instruction be given only in those Government schools where parents and guardians ask for it ; (b) no pupil be required to attend the religious classes unless his parent or guardian expresses a wish that he should attend, and (c) that no differentiation shall be made in favour of the Buddhist religion. The local Government was asked to explain in any orders it might issue on the subject that the measure was at present only an experiment and likely to be withdrawn if experience showed that it was undesirable to continue it^b.

35. On the recommendation of the Agent to the Governor General in Baluchistan the Government of India sanctioned in February—March 1906 the extension and application of the Reformatory Schools Act, 1897 (VIII of 1897), to British Baluchistan and the Agency territories and directed that the reformatory school at Yeravda in the Bombay presidency should be available for the reception of youthful offenders directed to be sent to it by any court or magistrate in British Baluchistan or the territories

(a) H. D. letter nos. 780-757, d. Sep. 12, 1907.

(b) H. D. letter no. 859, d. Sep. 30, 1909.

administered by the Agent to the Governor General in Baluchistan as such Agent^a.

The system under which supervision is maintained over boys discharged from reformatory schools was also brought under revision and it was decided that it was not necessary to maintain uniformity in all provinces. Subject to the following observations, each local Government was left to adopt whatever method it may consider best suited to local conditions. The main objects to be kept in view were declared to be (1) to watch the careers of the boys in order to ascertain how far the reforming influences of the schools have achieved their purpose, and (2) to help the boys to earn an honest living. The following principles which should govern the system of surveillance were laid down:—(1) that police agency should never be employed, (2) that the surveillance should be as unobtrusive and as little inquisitorial as possible, and (3) that efforts should be made to keep every boy in view under all circumstances^b. The Governments of Madras, Bengal and the Punjab having raised the question of dealing, under the Reformatory Schools Act, 1897 (VIII of 1897), with juveniles against whom an order has been passed under the security sections of the Code of Criminal Procedure, and who are unable to furnish security, the Government of India decided to note the point for consideration when the Act next comes under revision^c.

On the representation of the Government of Bengal that the Alipore school was most unsuitable for its purpose, the Government of India sanctioned the closing of the school and the transfer of the inmates to the reformatory school at Hazaribagh. In order to secure a thoroughly qualified officer for the post of Superintendent, the Government of Bengal recommended that the pay of the Superintendent should be raised from Rs. 300 to Rs. 750—50—1,000 a month, and that the post itself should be removed from the cadre of the provincial educational service. The Government of India agreed that some increase in pay was justified by the enlargement of the amalgamated school, but they considered the pay proposed by the local Government to be unduly high in comparison with the rates of pay drawn by Superintendents of similar institutions in other provinces and, on their recommendation the Secretary of State sanctioned a salary of Rs. 500—25—750 without exchange compensation allowance^d.

At the instance of the Government of Bengal and with the concurrence of the other local Governments and Administrations the Governor General in Council authorised the transfer, whenever occasion may require, and with the previous consent of the Governments or administrations concerned of juvenile offenders from the province in which they are convicted to a reformatory school, if any, in the province of which they are natives or in which their relatives may be domiciled^e.

36. In connection with the difficulties experienced by Indian students on their first arrival in England by reason of their lack of information as to educational facilities and social conditions the Secretary of State established in 1909 a Bureau in London for the supply of information to students or their parents, as well as a Standing Committee for general advisory purposes. The head of the

Measures for ameliorating the position of Indian students in England.

(a) { For. D. notn. no. 683, d. Feb. 23, 1906.
H. D. notn. no. 180, d. Mar. 9, 1906.
(b) H. D. letter nos. 730-86, d. Sep. 28, 1906.

(c) { Madras letter no. 161, d. Jan. 22, 1907.
H. D. letter no. 260, d. Mar. 25, 1907.
(d) { F. D. desp. no. 88, d. Feb. 11, 1909.
Desp. no. 18 (Judl), d. Apr. 16, 1909.

(e) H. D. resn. nos. 466-477, d. May 7, 1910.

Bureau is styled the Educational Adviser to Indian Students and will also act as Secretary to the Advisory Committee. With the object of supplementing the activities of the Bureau and the Committee in England local committees, consisting of representative European and Indian gentlemen, in each province, excepting Burma and the North-West Frontier Province, have been established under the orders of Lord Minto's Government. These committees will (a) furnish information and advice to Indians who contemplate going to England, (b) circulate in India to colleges and other institutions the educational, financial and social information collected by the Bureau in London, and (c) communicate with the Bureau on behalf of students before they start, or on behalf of their parents when they are in England. Each provincial Committee will have a paid secretary, his allowance for this work being subject to a maximum limit of Rs. 200 a month. The committees for the Punjab and Madras will respectively include representatives of the North-West Frontier Province and Coorg, and Native States, which so desire, will be represented by the Political Officers of the States on the committees at the headquarters of their respective Universities". The scheme does not apply to Burma; in the case of students from that province the functions of the committee and bureau in England will be performed by the Burma Society, a private organisation, to which, with the assent of the Government of India, the Burma Government has expressed its readiness to grant a subvention.

37. With a view to protecting higher education in India from the dangers with which it is threatened by the tendency of both teachers and pupils to

Education and politics.

associate themselves with political movements and to take a prominent part in organizing and carrying out overt acts of political agitation, Lord Minto's Government laid down certain principles for the guidance of local Governments^b. It was explained that the question affected the whole field of education, and the principles to be applied, and the procedure to be adopted would therefore differ according as schoolboys or college students, school masters or professors of colleges had to be dealt with. In the case of high schools the following procedure was prescribed :—

In the event of the pupils attending political meetings or engaging in any form of political agitation, or in the event of such misconduct being persisted in and encouraged or permitted by the masters or the managing authorities, the offending school should, after due warning, be dealt with—

(a) by the local Government, which has the power of withdrawing any grant-in-aid and of withholding the privilege of competing for scholarships and of receiving scholarship holders ;

(b) by the University, which can withdraw recognition from the school, the effect of which action is to prevent it from sending up pupils as candidates for the matriculation examination.

As regards affiliated colleges the procedure prescribed was less restrictive. It was laid down that as a general rule mere attendance at political meetings, as distinguished from taking an active part in their proceedings, would not necessarily call for disciplinary measures against the college. But if the students so conducted themselves as to bring undesirable notoriety upon their college, or interfered with the corporate life and educational work of the college, or resorted to picketing and open violence, it would be the duty of the

(a) H. D. resn. nos. 556-569, d. July 1, 1909,

| (b) H. D. letter nos. 332-335 and 338, d. May 4, 1907.

local Government to take steps to procure the withdrawal from the college, at any rate for a period, of the privilege of affiliation to the University.

With regard to schoolmasters or professors of colleges, greater latitude was allowed; but disciplinary action was advised in the case of a schoolmaster or professor who—

- (a) adopts a line of action which disturbs and disorganizes the life and work of the college at which he is employed;
- (b) indulges in teaching of an unsound character or personally conducts his pupils to political meetings or encourages them to attend such meetings.

In cases of this kind it would be the duty of the local Government, the governing body of the college, or the University, as the case might be, to enforce disciplinary measures.

38. Advantage was taken of the presence in India in February 1908 of Professor Macdonell, Boden Professor of Sanskrit, Oxford, to consider the question of encouraging the scientific study of Sanskrit and Arabic by natives of India. The Government of India were of opinion that great advantage would result from aiding students to acquire the critical and scientific methods of Western scholarship by studying the classics under European professors and by acquiring a knowledge of French and German which was considered indispensable for making full use of the researches of European orientalisks. They accordingly obtained the sanction of the Secretary of State to establish four scholarships tenable in Europe, three for the study of Sanskrit and one for the study of Arabic, not more than two to be awarded annually. The scholarships are open to well qualified students with a genuine taste for oriental studies and to gentlemen already employed as professors of Sanskrit and Arabic in India. Each scholarship is of the value of £150 a year, and is tenable for two years. A free second class passage is provided to Europe, and also a return passage if the scholarship holder completes the full period of residence or is compelled by ill-health to return within that period. The Secretary of State decides the courses of study of each scholarship holder, and the special conditions to be observed, if necessary, by students who elect to study in continental Europe rather than in England. The Government of India select the candidates for the scholarship on the recommendation of local Government^a. Students to whom these scholarships are awarded are required to give a written undertaking that they will devote themselves exclusively, during the tenure of their scholarship, to the study of the subject for which their scholarship has been granted. The scholarship may be forfeited if the holder without permission endeavours to study law or any other subject not cognate with his proper studies^b.

Scholarships, Sanskrit and Arabic.

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39. In furtherance of the scheme provisionally sanctioned by Lord Curzon's Government in 1905 for the instruction of students at the Presidency College, Calcutta, in two courses of commercial study, a lecturer on modern English for the evening course in the commercial class has since been appointed on a salary of Rs. 200 a month.

Commercial education.

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40. The Government of India have from time to time received applications for the grant of scholarships for the study of commercial subjects, but as they have

Commercial scholarships.

regarded such requests as lying outside the scope of the scheme for State technical scholarships they have been unable to accede to them. The facilities which exist in this country for commercial education are mainly designed to enable candidates to obtain mercantile employment in a subordinate capacity ; while the course of study provided at some English Universities aims on the other hand at equipping candidates with such knowledge as will enable them to control and direct commercial undertakings for themselves. It is the want of this knowledge which is much felt at the present time in India where the natural resources, capable of great development, and where, notwithstanding the results effected by European capital and enterprise, there is still an extensive field for the encouragement of local effort. Upon a reconsideration of the subject Lord Minto's Government were of opinion that any measure for providing the youths of the country with a sound commercial education on the lines followed in the Manchester or Birmingham University would not only be likely to afford them encouragement to look to their own energy and ability to carve out a career for themselves, but would also help in establishing a spirit of industrial enterprise in the native community. They also considered that the beginnings of such a movement might properly receive encouragement from Government, and that the mere fact of Government taking the initiative in the matter would be of political advantage as tending to refute the allegation frequently made in the native press that Government is disposed unduly to favour European enterprise and to neglect the development of indigenous industries. Lord Minto's Government accordingly consulted local Governments in May 1906 regarding the desirability of awarding one or two Government scholarships annually to deserving students to enable them to prosecute higher commercial studies in England^a. They suggested that the scheme might be experimentally introduced ; that it should aim at reaching those classes of natives who trade on their own account on some not inconsiderable scale, or those who may fairly look forward to being managers or holding a position of command in commercial firms ; that it would be necessary to ensure that candidates had received a sound preliminary education and that for this purpose no one but graduates should be regarded as eligible ; that the term of tenure might be three years, and the amount of the scholarship £150 ; and that in other respects the regulations applicable to State technical scholarships should be made applicable to these scholarships. The replies of local Governments showed that they were practically unanimous as to the advantages of the scheme, but it was pointed out that if the scheme was to prove a success one or two scholarships a year would be wholly insufficient. The Bengal and United Provinces Governments considered it undesirable to insist upon a University degree as a qualification for the proposed scholarship. The Government of Lord Minto concurred with them and addressed the Secretary of State with a view to the establishment of six commercial scholarships for the larger provinces^b.

The Secretary of State, while sympathising with the desire of Lord Minto's Government to promote the material development of India through the agency of the Indians themselves, did not think the scheme of commercial scholarships presented to him would secure the desired object or that it justified, in the present circumstances of Indian finance, any considerable outlay upon it. In expressing his inability to sanction the experiment, he instanced the case of natives of India who, without any aid from public revenues, went to England

(a) H. D. letter nos. 810-817, d. May 16, 1906.

(b) H. D. desp. no. 11-Edn., d. June 13, 1907.

to obtain the benefit of European study, and who had established themselves and were found engaged in trade not only in England but also throughout Western Asia, Eastern Africa and even in the Mediterranean ports. He therefore considered it undesirable that public money should be expended in giving a commercial training at a British University to persons who, if they desire it, should be ready and able to pay for it themselves*.

(g) ESTABLISHMENTS.

41. Mr. Orange was granted privilege leave combined with furlough for ten months with effect from the 2nd March 1907, and Mr. E. Giles, C.I.E., Director of Public Instruction, Bombay, was appointed to officiate in his place receiving, for reasons of administrative convenience, an extension of service until Mr. Orange's return from leave.

42. *Bengal*.—Certain officers of the Indian Educational Service in Bengal protested against the selection in 1905 of a member of the Indian Civil Service to succeed to the post of Director of Public Instruction on the retirement of Sir

Directors of Public Instruction, Alexander Pedler. The decision of the Lieutenant-Governor was in accordance with the principles laid down by Lord George Hamilton in 1893, and in exercising the discretion he was justified by the fact that the work of the Education Department in Bengal at the time could only be carried on by a Director with wider administrative experience and greater familiarity with the machinery of civil Government in the province as a whole than was then possessed by any officer of the Educational service. The Government of Lord Minto, while emphasising the principle that selection for the post should be made from the educational service if it contained an officer who was considered in every respect to be the person best fitted for this post, maintained at the same time that the consideration of efficiency must in every case be paramount, and that no regard for the interests of any particular class of officers could be allowed to override it. As the question was one of great importance and similar difficulties might arise elsewhere they were anxious that there should be no uncertainty as to the principles by which they should be guided, and they therefore recommended to the Secretary of State that the orders which vested local Governments with an absolutely unfettered discretion in the matter should be maintained unaltered. The Secretary of State, however, remarked that the dissatisfaction which had been created in the educational service in Bengal might have prejudicial effects upon future recruitment, and that it would not be possible to secure men of high qualifications for the department if such agitation were to become a frequent incident. He therefore desired that appointments to the Directorship should no longer be governed by the rules laid down in the resolution of 1896, but by those prescribed in the resolution of 1886. The latter resolution, while not giving members of the educational service an absolute claim to succeed to the post of Director, contemplated that before appointing a person not belonging to the service, local Governments should, in the event of their considering it desirable to fill the post otherwise than from the local educational staff, seek the assistance of the Government of India with a view to procuring a suitable officer from the educational department of some other province. He also considered it desirable

(a) Desp. no. 207 (Pub.), d. Dec. 20, 1907.

(b) H. D. letter no. 168, d. Mar. 24, 1906.

(c) H. D. desp. n. 6, d. May 10, 1906.

that in order to provide a properly qualified successor in the event of a vacancy arising in the Directorship, measures should be taken in good time to give the officer on whom the choice would most probably fall a wide experience of the working of the department in all its branches. These orders were embodied in a resolution issued on the 12th September 1906^a.

Burma.—In July 1905, when Mr. Pope, Director of Public Instruction, Burma, was about to retire the local Government was unable to select a suitably qualified successor from the Indian Educational Service in the province. The Lieutenant-Governor therefore asked the assistance of the Government of India in procuring the services of an educational officer from some other province. The Government of Bombay who were consulted strongly recommended Mr. J. G. Covernton of the educational service of that presidency for the post and the Government of Burma accepted him on the understanding that his tenure of the post in Burma should not prejudice any prospects that he might eventually have in the Bombay educational department nor preclude his return thither.

Eastern Bengal and Assam.—A similar question arose shortly afterwards in Eastern Bengal and Assam on the reversion, in February 1906, of Mr. N. L. Hallward to the Indian Educational Service, Bengal. Mr. H. Sharp, Inspector of Schools in the Indian Educational Service in the Central Provinces, was selected to replace him in the appointment of Director of Public Instruction in the new province.

North-West Frontier Province.—The Education Department of this province had hitherto been under the control of an officer who held the dual appointment of Inspector-General of Education and Archæological Surveyor, North-West Frontier Province and Baluchistan. At the instance of Lord Minto's Government the Secretary of State sanctioned in 1909 the creation of a separate appointment of Director of Public Instruction for the province which has not yet been filled.

43. The growth of educational work in Burma was found during 1906 to require the appointment of an Assistant Director of Public Instruction, which

Assistant Directors of Public Instruction. had been considered unnecessary in 1902, when such officers were appointed else-

where. For similar reasons it was found necessary to appoint in Bengal temporarily in 1908 a second Assistant to the Director of Public Instruction with a special deputation allowance of Rs. 200 a month to meet the expense of living in Calcutta. The pressure of work has since rendered the retention of this post unavoidable and with the sanction of the Secretary of State it has been decided to retain it until the 31st March 1911, when it will be considered whether the appointment should be placed on a permanent basis.

44 *Inspectors—Madras*—On a representation received in 1908 from the Government of Madras that the staff of Inspectors as fixed by the Secretary of State in 1905 and which, excluding the

Inspecting agencies.

Inspectors of European and training schools, consisted of four officers in the Indian Educational Service, and two officers in the provincial service, was quite insufficient for the work required of it, the Government of India obtained the sanction of the Secretary of State to the addition of two inspectorships to the cadre of the Indian Educational Service in this presidency.

(a) Desp. no. 105 (Pub.), d. July 13, 1906.

(b) H. D. resn. nos. 670-83, d. Sep. 12, 1906.

Bengal.—The extensive scheme for strengthening and reorganizing the superior and subordinate inspecting agency in Bengal, which the Government of India had examined and accepted during Lord Curzon's term of office, was recommended for the sanction of the Secretary of State by Lord Minto's Government in November 1905. It involved the appointment of six new inspectors in the Indian Educational Service, three inspectors and fourteen assistant inspectors in the provincial service, and 50 deputy inspectors, 130 sub-inspectors and 100 assistant sub-inspectors in the subordinate service. The Secretary of State sanctioned the scheme in March 1906, but intimated that he proposed to defer the appointment of the six additional officers for the Indian Educational Service until the expenditure on account of them could be met from provincial revenues^(a). The cost of the entire scheme was over six lakhs.

United Provinces.—The Government of India considered a scheme for strengthening the higher inspecting staff in the educational service in the United Provinces by the addition of three inspectors. The Lieutenant-Governor proposed, if these appointments were sanctioned, to rearrange the cadres of the two services so that ultimately there would be five European inspectors in the Indian Educational Service and four native inspectors in the provincial service. The Government of India favoured the scheme, but they were unable to accept the regrading of the provincial service which the local Government proposed. They accordingly suggested modifications in this respect which the Lieutenant-Governor accepted^(b). The scheme was referred to and sanctioned by the Secretary of State. The inspectorate in the United Provinces was further strengthened by the creation of an appointment of inspector in the Indian Educational Service solely for the supervision of the system of training teachers.

Punjab.—In the case of the Punjab also the Secretary of State sanctioned the addition of three assistant inspectors to the provincial educational service in December 1905^(c).

Burma.—In 1907 the number of inspectors and assistant inspectors of schools in Burma was increased by the appointment of an additional inspector in the Indian Educational Service and of two additional assistant inspectors in the provincial service on Rs. 300—400 each.

North-West Frontier Province.—The inspectorate in the North-West Frontier Province was strengthened by the creation of a district inspectorship of Kohat and Kurram and of an assistant inspectorship for Peshawar.

Coorg.—With the object of improving the prospects of promotion, the Government of Lord Minto sanctioned the inclusion of the post of deputy inspector of schools in Coorg in the cadre of sub-assistant inspector in the Madras Presidency.

Inspectresses—Bengal.—In 1907 the Secretary of State sanctioned the appointment of an additional inspectress of schools in Bengal, a step which was rendered necessary owing to the very rapid increase in the number of girls' schools.

United Provinces.—In 1906 an appointment of educational inspectress was created in the Indian Educational Service in the United Provinces as it was thought necessary to have a lady experienced in European methods of

(a) Desp. no. 33 (Pub.), d. Mar. 9, 1906.

(b) H. D. letter no. 28, d. Jan. 19, 1906.

(c) Desp. no. 154 (Pub.), d. Dec. 1, 1905.

education to control and supervise the system of female education and to guide the subordinate staff.

Burma.—The work of supervising female education in Burma until 1908 devolved entirely upon the male inspecting staff, and the courses of study for girls were practically the same as those prescribed for boys. The local Government in that year showed that the education of girls in the province had made substantial progress, and urged that the importance of extending female education and of providing a suitable curriculum for girls justified a demand for special supervision. It accordingly recommended the appointment of (1) an inspectress in the Indian Educational Service on Rs. 500—40—700 a month with travelling allowance at the rate drawn by other members of the service, and (2) an assistant inspectress on Rs. 200—10—250 with a fixed monthly traveling allowance of Rs. 50. The Government of India supported these proposals to the Secretary of State with the modification that the inspectress should be on Rs. 400—20—500, the usual rate of salary fixed for such officers. As a member of the Indian Educational Service, the inspectress would be eligible for the Burma allowance of Rs. 100 a month^a. The Secretary of State sanctioned the proposals^b.

Eastern Bengal and Assam.—In December 1907 the Government of India supported to the Secretary of State a proposal of the Government of Eastern Bengal and Assam for the appointment of an inspectress of schools in that Province on a salary of Rs. 400—20—500 a month^c. The Secretary of State sanctioned the appointment and in September 1908 intimated the appointment of Miss. E. A. Garret to the post. At the instance of the local Government the Secretary of State has been asked to sanction the appointment of a second inspectress of schools to the Indian Educational Service on a salary of Rs. 400—20—500.

45. In July 1906 the Government of India issued a resolution on the subject of the reorganization of the educational services. Under these orders the services were classified as the Indian, the provincial and the subordinate educational service and certain rates of pay were laid down for the three branches of the service. At the same time two grades of personal allowances, the senior Rs. 250—50—500 and the junior Rs. 200—10—250, were sanctioned for the Indian Educational Service and a certain number of each were allotted to the various provinces. Burma was excluded from this reorganization scheme on the grounds that at that time the province contained no principals or professors of colleges in the service of Government and that it was not then ready for the constitution of a provincial educational service. On a representation from the local Government in 1907 that this exclusion was no longer desirable the sanction of the Secretary of State was obtained to the allotment to Burma of two junior allowances and one senior allowance^d.

In 1908 it was brought to the notice of the Government of India by the Secretary of State that there was considerable difficulty in recruiting for this service men of the high qualifications demanded in order to provide for the proper performance of the important duties with which this branch of the Education Department is charged. In view of this difficulty and of the fact that in several cases men who had been appointed to the service had soon after become discontented with their prospects and resigned their

(a) F. D. desp. no. 299, d. Oct. 15, 1908.
(b) Desp. no. 197 (Pub.), d. Dec. 4, 1908.
(c) F. D. desp. no. 441, d. Dec. 12, 1907.

(d) { F. D. desp. no. 386, d. Oct. 3, 1907.
Desp. no. 197 (Pub.), d. Dec. 6, 1907.

appointments, the Government of Lord Minto addressed local Governments in August 1909 in order to remove such just causes of dissatisfaction as might exist. In inviting the views of the local Governments on the subject the Government of India indicated generally the points in respect of which they were disposed to consider the present terms of service unsatisfactory and the extent to which they would be prepared to recommend to the Secretary of State their revision. The main suggestions made were (1) the abolition of the junior and senior allowances of Rs. 200—10—250 and Rs. 250—50—500 respectively, (2) the increase of the time scale of pay of Rs. 500—50—1,000 a month to Rs. 500—50—1,300, (3) the introduction of a higher scale of Rs. 1,400—²₃—1,800, the total number of posts in this scale being 20 per cent of the whole strength of the Indian Educational Service (not including ladies) in India as a whole, and (4) the abolition of exchange compensation allowances, except in the case of Directors of Public Instruction. In the case of ladies in the Indian Education Service employed as inspectresses and superintendents it was suggested that they should be paid, without exchange compensation allowance, at the rate of Rs. 400—20—500 a month, and thereafter, if their service were approved Rs. 500—25—750 a month and the offer of a free passage home at the end of 5 years service^a. The replies of local Governments are awaited.

46. It was represented to the Government of India in 1906 that there was a feeling of dissatisfaction among the members of the provincial educational service,

Provincial Educational Service.

that the pay and prospects of its members were inferior to those of members of other provincial services, and that it failed to attract as good men as other branches of the administration. In addressing local Governments on the subject the Government of India expressed their readiness to consider proposals for improving the conditions of the service, and suggested the following points for special inquiry:— (a) The sufficiency of the maximum pay of the service and the number of appointments in the higher grades; (b) the improvement of the general level of the service by the transfer from one service to another of appointments of which the duties differ both in character and importance from those usually performed by the members of the service in which the appointments are at present included; (c) the desirability of throwing open to members of the provincial service such appointments as Principal of a College and Assistant to the Director of Public Instruction; (d) the question whether any special allowances should be given to members of the provincial educational service while holding these appointments.

It was stated that there was no intention of increasing the cost of the service if its present condition was satisfactory, but that it was essential that its conditions should be such as to attract the best talent of the Indian Universities^b. On considering the replies of local Governments on the subject the Government of India found it necessary to address them again in their letter of the 26th October 1909. The matter is still under consideration^c.

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State proposals for the constitution of the provincial and subordinate educational services in Eastern Bengal and Assam^d. The proposals referred to the

(a) H. D. letter nos. 754-762, d. Aug. 26, 1909.
(b) H. D. letter nos. 2-9, d. Jan. 2, 1908.

(c) H. D. letter nos. 912-919, d. Oct. 26, 1909.
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(c) F. D. desp. no. 441, d. Dec. 12, 1907.

(d) { F. D. desp. no. 886, d. Oct. 8, 1907.
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(d) F. D. despatch no. 153, d. May 28, 1908.

distribution of men and appointments in the two services between Bengal and Eastern Bengal and Assam, the inclusion in those services of certain ungraded appointments in Assam, and the addition to them of various appointments. The extra annual expenditure involved in the case of the provincial educational service was Rs. 95,453-6-0 and in that of the subordinate educational service Rs. 1,31,440. The Secretary of State sanctioned the proposals^a.

48. *Madras*.—In 1907 the Government of India expressed their approval of a proposal that such inspecting agencies as were then maintained by local Boards and Municipal Councils in Madras should be provincialised, but they expressed a doubt as to whether this measure would even under the proposed improved conditions of service, result in effective inspection. They pressed for the provision of a limited staff of well qualified inspecting officers in preference to an inadequate inspectorate, supplemented by a large contingent of inferior subordinates and with this object suggested that the class of supervisors should be wholly or partially replaced by a smaller number of Sub-Assistant Inspectors. The Madras Government demurred to these suggestions, mainly on the grounds that the area of taluks in Madras was very large; that it was undesirable, for administrative reasons, to reduce the existing ranges of inspection; they admitted that the Supervisors were inefficient, but anticipated that the improved conditions of service, due to the provincialisation of the establishment, would tend to improve the personnel of the subordinate inspecting agency. Although the Government of India were not altogether convinced that these anticipations would be justified, they were not prepared to press their objections further and accordingly supported the local Government's scheme, which in due course received the sanction of the Secretary of State^b.

Bengal and Eastern Bengal and Assam.—With a view to secure for the Education Department greater powers of control over primary education, the Governments of Bengal and Eastern Bengal and Assam asked for sanction to the transfer to Government service of the sub-inspectors hitherto employed under district boards. There were 169 such officers in Bengal and 92 in Eastern Bengal and it was proposed that they should be included in the subordinate educational service in the four lowest grades of the service. With regard to the pensionary status of these sub-inspectors it was found that there were two classes to be provided for, *viz.* (a) those who had been Government servants and were transferred from Government service to the service of district boards, (b) those engaged, subsequent to transfer of control, by district boards. It was proposed that the former should continue, as they had always done, to count their service as service qualifying for pension, and that the latter should be offered the option of (1) continuing to contribute to a provident fund on the same terms as they did before transfer to Government or (2) accepting the balance of the provident fund made up to the 31st December 1905 with a right to reckon for pension under the ordinary rule service rendered after that date. Those who elected the latter alternative would, in consideration of their previous non-qualifying service, be exempted from reduction of pension under article 478 (a) of the Civil Service Regulations. The Government of Bengal further urged that retrospective effect should be given to these proposals on the ground that a number of officers had been appointed direct to Government service since the 1st January 1907. Lord Minto's Government approved of the policy of the local Governments in this matter and supported these proposals which were sanctioned by the Secretary of State^c.

(a) Desp. no. 144 (Pub.), d. Sep. 11, 1908.

(b) { F. D. desp. no. 167, d. May 28, 1908.
Desp. no. 108 (Pub.), d. Sep. 4, 1908.

(c) { F. D. desp. no. 300, d. Oct. 15, 1908.
Desp. no. 209 (Fincl.), d. Dec. 18, 1908.

CHAPTER IX.

ARCHÆOLOGY.

1. The scheme for the reorganization of the Archæological Department submitted to the Secretary of State by Lord Curzon's Government was sanctioned in January 1906^a. As a result of this scheme the Department was placed on a permanent basis; a change was made in the constitution and the nomenclature of the various circles: the Central Provinces and Berar, formerly under the charge of the Superintendent of the Western or Bombay circle, were added to the Eastern or Bengal Circle, the staff of which was strengthened by the appointment of an Assistant Archæological Superintendent; and the North-West Frontier Province and Baluchistan, the archæological work of which was formerly entrusted to the Inspector-General of Education, was provided with a full-time Superintendent. The existing post of Assistant Superintendent in the Western Circle was continued on a temporary basis. The pay of officers in charge of circles was raised from Rs. 300—25—800 to Rs. 500—25—800 a month, while exchange compensation allowance was abolished throughout the Department. With a view to the establishment of a central authority in epigraphical matters a Government Epigraphist for the whole of India was appointed in place of the Government Epigraphist in Madras, but, as the importance of Madras as a field for research and its special linguistic conditions necessitated the retention of a special epigraphical expert in the presidency, an appointment of Assistant Archæological Superintendent for Epigraphy on a salary of Rs. 300—25—500 a month was created there. In May 1907, the Kashmir State was transferred from the Northern to the Frontier Circle^b, and in 1910 it was decided that the Archæological Surveyor and the Superintendent, Archæological Survey, Northern Circle, should in future be designated respectively, "Superintendent, Muhammadan and British Monuments, Northern Circle" and "Superintendent, Hindu and Buddhist Monuments, Northern Circle"^c.

2. With the approval of the Secretary of State Dr. Stein, Inspector General of Education and Archæological Surveyor, North-West Frontier Province

Archæological explorations.

and Baluchistan, was deputed to renew his archæological explorations among the sand buried cities of Khotan in Eastern Turkistan and left India at the end of March 1906^d. In 1908 he represented that his explorations were likely to yield results of very great historical and archæological interest and that it was necessary that he should be placed on deputation in England to arrange and classify his collections in personal communication with archæological experts and to prepare a full and complete record of his explorations and discoveries. The Government of India thereupon proposed^e and the Secretary of State sanctioned^f his deputation to England for twenty-one months after his return to India. In February 1909 the Government of India recommended to the Secretary of State that, on the expiry of his deputation, Dr. Stein should be transferred from the Education Department for which he was not very well fitted, and employed in the Archæological Department on exploration work, for which he had exceptional qualifications, both in India and, occasionally, beyond its frontiers^g. The Secretary of State having agreed to this transfer,^h provided that it could be arranged without a permanent addition to the cadre

(a) Desp. no. 15 (Rev.), d. Jan. 26, 1906.

(b) H. D. letter nos. 178-180, d. May 27, 1907.

(c) H. D. letter nos. 169-170, d. Apr. 27, 1910.

(d) H. D. letter no. 285, d. May 18, 1905.

(e) H. D. desp. no. 27, d. Sep. 17, 1908.

(f) S. of S. t.l., d. Nov. 10, 1908.

(g) F. D. desp. no. 43, d. Feb. 18, 1909.

(h) Desp. no. 67 (Rev.), d. June 18, 1909.

of the Archæological Department, Dr. Stein was appointed to the department, in the vacancy caused by the death in October 1909 of Dr. Bloch, as Superintendent, Archæological Survey, Eastern Circle^a.

Mr. Francke of the Moravian Mission at Kyelang was employed^b in June 1909 in making an archæological survey of the border of Tibet and afterwards in preparing a report on the results of his investigations^c.

3. After much correspondence it was arranged that the Upper Burma Club should vacate in April 1906 the throne rooms of the Burmese Kings in the

Preservation of historical buildings.

Mandalay palace which they had occupied for many years.

It was decided that the Diwan-i-am in the Fort at Lahore should be maintained as a building of archæological interest, and that, as proposed by Lord Curzon, various buildings in the Fort should be transferred to the Archæological Department^d. The military authorities have not yet, however, been able to arrange for the transfer of more than a few of these buildings^e. A small museum has been constructed beside the Buddhist topes at Sanchi in the Bhopal State for the reception of fragments of delicate sculptures requiring preservation^f.

The Director-General of Archæology in 1908, recommended that Government should take over, with a view to its conservation as a building of historical interest, the so-called tomb of Miriam at Sikandarab, near Agra, which was made over by the local Government about forty years ago to a missionary society for use as an orphanage. Lord Minto's Government sanctioned the acquisition of the tomb and the compound in which it stands at a cost of Rs. 60,000^g.

In the same year, the Director-General represented that the conservation work on the Great Temple at Hallebid in Mysore which was being carried out by the Mysore Darbar under the supervision of the Mysore Archæological Department was not being done satisfactorily and suggested that Lord Minto's Government should exert their influence with the Darbar with a view to stopping the work and that they should at the same time offer the services of an expert archæologist to advise the Darbar as to the best means of restoring the temple. This suggestion was made to the Darbar and was accepted^h.

The Resident in Kashmir was directed in the same year to call the attention of His Highness the Maharaja to the recommendations made by Mr. W. H. Nicholls, formerly Archæological Surveyor, Northern Circle, for renovating the famous Moghal Gardens, the Jami Masjid and certain tombs at Srinagar. He was authorised to inform His Highness that Lord Minto was personally much interested in the matter and that His Excellency would be glad to learn that serious efforts would be made to carry out Mr. Nicholl's recommendationsⁱ.

In 1909 and 1910, Lord Minto's Government, having been informed that the work of preserving the ancient monuments at Mandu in the Dhar State which was being carried on with the assistance of a grant from Government funds was being performed in a very unsatisfactory manner, made representations on the subject to the Darbar and endeavoured to arrange that the work would be carried out more carefully and that the expenditure would be properly controlled^j.

4. Mons. P. Gérard, of the French Society of Archæological Research, was permitted to make excavations on the site of the ancient town

Research by foreign workers.

(a) H. D. notn. no. 35, d. Jan. 21, 1910.
(b) H. D. letter no. 119, d. Apr. 20, 1909.
(c) H. D. letter no. 188, d. Apr. 29, 1910.
(d) H. D. letter no. 180, d. May 26, 1906.
(e) H. D. letter no. 291, d. Aug. 13, 1906.

(f) For. D. letter no. 338-I. B., d. Jan. 25, 1907.
(g) H. D. tel. no. 49, d. Feb. 1, 1908.
(h) For. D. letter no. 3414-I. A., d. Aug. 24, 1908.
(i) For. D. letter no. 3822-I. B., d. Sep. 24, 1908.
(j) For. D. letter no. 114-I. B., d. Jan. 14, 1910.

of Prome and at Moulmein in Burma on condition that the permission might be withdrawn at any time; that all objects discovered in the excavations should become the property of Government and should not be carried away; and that a monthly report of the progress made in the excavations together with a copy of any photographs taken should be submitted to the Government of Burma, who should have the right of publishing them in the annual progress report of the Superintendent of Archæological Survey, Burma Circle, or in the report of the Director-General of Archæology in India^a. The permission was subsequently transferred to General de Beylié on the same conditions^b. A Japanese archæologist, Count Otani, was also, on somewhat similar terms, permitted to carry out excavations on Mount Gridrhakuta near Rajgir in the Patna district^c.

5. In February 1907, the Trustees of the Indian Museum submitted a Development of the Archæological Section of the Indian Museum. scheme for its reorganization, the essential feature of which was that the Museum should be divided into distinct sections according to the sciences represented, and that the officer in charge of each section should be given full powers to administer it, to develop its collection of exhibits and to conduct research. They urged at the same time that steps should also be taken for the better organization of the archæological collections and they represented that the existing arrangement, under which an officer of the Archæological Department supervised these collections in addition to his own duties, was unsatisfactory. In consequence of these representations a separate Archæological Section has recently been formed and placed under the charge of the Director General of Archæology, and a whole-time Assistant Superintendent has been appointed to assist him in his museum work^d.

6. In 1909 a most interesting discovery was made by the Archæological Department near Peshawar. It had long Discovery of relics of Buddha near Peshawar. been known that about the beginning of, or shortly before, the Christian era the Kushan Emperor Kanishka had erected in the neighbourhood of Purushapura—the modern Peshawar—a *stupa* or pagoda of exceptional size and magnificence. The *stupa* was described by the Chinese pilgrims Fa Hien and Hiuen Tshang, who visited India in the fifth and seventh centuries respectively, and the latter stated that Kanishka had deposited in the *stupa* relics of the Buddha himself. Connected with this *stupa* was a famous monastery from which the Northern school of Buddhism was mainly inspired. This monastery was shown by inscriptions to have flourished for at least a thousand years, but, in spite of this fact and in spite too of the great celebrity of the *stupa* and the sanctity of its relics, both the monastery and *stupa* disappeared completely from all historical records after the mediæval epoch and their very location seemed until recently to have been forgotten. Their approximate position in relation to the ancient city of Peshawar, was, however, indicated in the writings of the Chinese pilgrims and a careful survey of the locality which M. Foucher, a well-known French Archæologist, carried out some years ago convinced him that their remains were to be found in two large mounds in the open country to the east of the modern city. M. Foucher, however, was unable to follow up his conclusions and it was left to the Archæological Department to test their accuracy by practical excavation of the site.

The work of exploration was commenced in January 1908, but the excavations made in that year yielded no conclusive evidence to confirm or disprove

(a) H. D. letter no. 1, d. Jan. 4, 1907.
(b) H. D. tel. no. 9, d. Jan. 11, 1907.

(c) H. D. letter no. 411, d. Dec. 21, 1909.
(d) H. D. cndt. no. 155, d. Apr. 22, 1910.

M. Foucher's convictions. In the year 1909, however, the *stupa* in question was discovered in one of the mounds. It measured 285 feet from side to side or nearly 100 feet more than any other monument of this class existing in India. In the centre of this monument, at a depth of some 20 feet below the surface, relics of Gautama Buddha were found enclosed in a casket of bronze, which contained a small reliquary of rock crystal hexagonal in shape and hollowed out at one end to receive the relics. The latter originally consisted of three pieces of bone, one of which had been broken into two parts.

After the discovery was reported, Lord Minto's Government considered carefully to what final resting place the relics should be consigned and came to the conclusion that Burma, as the only Buddhist province, and Mandalay, as the acknowledged Burmese capital of that Province, should be invited to provide for their safe custody. His Excellency the Viceroy accordingly, on the 19th March 1910, presented the relics, enclosed in a gold casket designed by the Director General of Archæology and suitably inscribed, to a deputation of Burmese Buddhists on the understanding that they would arrange for the erection at Mandalay of a suitable shrine for their reception where in future years Buddhist pilgrims might gather to do honour to the memory of the founder of their religion.

7. At the instance of the Director General of Archæology it was decided in

Miscellaneous.

December 1905 to publish a Persian book, with an English translation, dealing with

the building of the Taj Mahal at Agra, under the editorship of Dr. Denison Ross^a; and also a portfolio of coloured drawings, prepared by Dr. Vogel, of the tile mosaics in the Lahore Fort^b.

In September 1906 it was decided that an additional part of the *Epigraphia Indica*, devoted to Moslem inscriptions, should be published once in every two years, under the editorship of Dr. Ross^c.

In November 1906 the Secretary of State approved of a proposal made by Lord Curzon's Government in 1904 that compilations of Kharoshthi and Brahmi inscriptions should be published separately as parts I and II of volume II of the *Corpus Inscriptionum Indicarum*, and offered to arrange for the printing of the text and plates of both parts of the volume, as this would bring the editors and printers into closer communication than would be possible if the production were undertaken in India^d. Lord Minto's Government, in accepting these proposals, suggested that Professor Lüders of the University of Rostock should be asked to edit the Brahmi volume, and Professor Rapson the Kharoshthi inscriptions^e. They also represented that there was a general consensus of opinion that the publication of a new edition of volume I of the *Corpus*, containing the inscriptions of Asoka, was desirable and recommended that this work should be entrusted to Professor E. Hultzsch. In January 1908 the Secretary of State replied that he had decided to incorporate in one collection all the Kharoshthi and Brahmi inscriptions and that he had entrusted the joint editorship of the work to Professor Rapson and Professor Lüders. He added that he had arranged that Professor Hultzsch should prepare a revised edition of the first volume of the *Corpus*^f.

It was decided in June 1906, in consultation with the Trustees of the Indian Museum at Calcutta, to transfer the collection of photographic negatives of archæological objects taken by the Archæological Department from the

(a) H. D. letter no. 422, d. Dec. 30, 1905.
(b) H. D. letter no. 270, d. Sep. 4, 1903.
(c) H. D. letter no. 812, d. Sep. 10, 1906.

(d) Desp. no. 56 (Pub.), d. Nov. 23, 1906.
(e) H. D. disp. no. 9, d. June 6, 1907.
(f) Desp. no. 1 (Pub.), d. Jan. 3, 1908.

Museum to the Central Archæological Office in Simla. In order, however, to render the photographs easily accessible to the public and to students of archæology, arrangements were made to maintain in the Museum a complete collection of prints from the negatives, together with a catalogue of the negatives themselves^a.

In 1907 the Government of Burma instituted a scholarship of the value of Rs. 100 a month with the object of training students in archæological work, to be awarded by the local Government upon the nomination of the Director of Public Instruction, and to be open to candidates of any race or class who were graduates in arts of an Indian or British University and possessed a sound knowledge of Burmese and Pali. In confirming the orders issued regarding this scholarship Lord Minto's Government suggested to the Lieutenant-Governor that it would be a great advantage to the archæological scholars in Burma if they were attached to the Archæological Department in India for about three months in the cold season to enable them to increase their knowledge of excavation work^b.

(a) H. D. letter nos. 186-193, d. June 5, 1906. | (b) H. D. letter no. 62, d. Mar. 5, 1909.

CHAPTER X.

ECCLESIASTICAL.

In 1904 a rule was made providing for the grant of extraordinary furlough to the Bishops of Calcutta, Madras and Bombay for the purpose of consulting

Bishops.

the ecclesiastical authorities in England or of furthering in other ways the general interests of the Church. In July 1906 Lord Minto's Government decided that, when it could definitely be shown that extraordinary leave was required for such purposes, it might be added to ordinary furlough, subject to a maximum limit for the combined leave of six months in all. The Secretary of State accepted this decision and a rule giving effect to it was approved by His Majesty in June 1907^a.

In 1907-1908 the rules were further examined at the instance of the Bishop of Madras. Lord Minto's Government after careful consideration came to the conclusion that the furlough admissible under the existing rules did not allow Bishops to have sufficient rest and at the same time to carry on in England the considerable amount of work which they represented was necessary in the interests of their dioceses. They accordingly, with the Metropolitan's concurrence, recommended to the Secretary of State that His Majesty's approval should be sought to an amendment of the rule relating to extraordinary furlough so as to permit the statutory Bishops to take, after 33 months' service, three months' ordinary furlough combined with three months' extraordinary furlough granted to enable them to further the general interests of the Church^b. The rule was amended in this sense under His Majesty's orders in February 1909^c.

In June 1906 the Archdeacon of Calcutta submitted for the consideration of the Government of India various proposals regarding the leave and pension of the non-statutory bishops. The Government of India were unable to accept most of his suggestions but they decided so to amend article 599-A of the Civil Service Regulations as to allow a non-statutory bishop whose actual service for pension was reduced under that article, owing to his age having exceeded 30 years at the time of his appointment, an equivalent reduction in the prescribed period of compulsory residence.^d

The Government of Bombay, on a reference made regarding an objection taken by the Accountant General, Bombay, to the payment of visitation allowance to the Bishop of Bombay while resident at Mahableshwar during the absence of the Governor of Bombay, were informed in March 1908 that it was not intended that the Civil Service Regulations should be regarded as authorising the payment of visitation allowance to a statutory bishop during his residence at a hill station except when his visit to the station was made as part of a tour of visitation. They were also told that it was not the practice to place the Metropolitan or the Bishop of Madras on duty with the head of the Government at hill stations or to permit them to draw visitation allowances during the period of their residence at such stations, but that the Metropolitan had been permitted to draw visitation allowance while residing at a hill station for the period which would have been necessary, had he not been resident there, for the visitation of the place, that is, for a period not exceeding 10 days in any one year. The Government of Bombay were requested to deal with the case of the Bishop of Bombay similarly in future^e.

(a) Desp. no. 104 (Pub.) d. July 19, 1907.

(b) F. D. desp. no. 357, d. Dec. 31, 1908.

(c) Desp. no. 56 (Pub.-Ecc.), d. Mar. 26, 1909.

(d) H. D. letter no. 465, d. Oct. 15, 1906.

(e) H. D. letter no. 122, d. Mar. 14, 1908.

In April 1907, the Government of India informed the Metropolitan that they had no objection to his proposal to summon the bishops of India and Ceylon to meet him in an Episcopal Synod in Calcutta in January 1908^a. They also, in February 1908, permitted the bishops of Madras, Lucknow and Travancore to travel to Bombay at Government expense so as to be present with the Metropolitan when he heard a complaint which had been made against the Bishop of Bombay^b.

In February 1908, they informed the Metropolitan that they would not object to his proposal to delegate to an Assistant Bishop his duties as Bishop of Calcutta in those parts of Eastern Bengal and Assam known as the Surma Valley and Hill Districts (except the town of Shillong) and the Assam Valley Districts, on the understanding that the arrangement should involve no expense to Government. The Metropolitan was at the same time requested to furnish the Government of India, on the completion of the fund necessary for the maintenance of the Assistant Bishopric, with an assurance as to its stability, and to communicate the name of the clergyman whose appointment to the new Bishopric in Eastern Bengal and Assam he proposed^c.

In July 1908, Lord Minto's Government forwarded to the Secretary of State a proposal, made by the Episcopal Synod in February 1908 that the Metropolitan in India should be accorded the title of Archbishop. They shared the opinion of Lord Curzon's Government, which had opposed a similar proposal in 1902, that the elevation of the Metropolitan to higher ecclesiastical rank would cause inconvenience and possibly serious embarrassment to the Government, and would almost certainly lead to demands for increased expenditure, and they recommended strongly that it should not be proceeded with^d. In January 1909, Lord Morley, while recognizing the rapid progress made by the Church of England in India during the last quarter of a century, agreed that the time was inopportune for taking a step which might make the motives of Government a matter of political controversy, and expressed his inability to advise His Majesty to comply with the recommendation of the Synod^e.

In October 1909 the Bishops of Madras, Bombay, Lahore and Nagpur were permitted to travel to Allahabad on duty in order to consult with the Metropolitan as to the distribution of the sum of £50,000 which were assigned by the Pan-Anglican Congress for educational and other purposes in India^f.

The Government of Madras in October 1909 forwarded a proposal made by the Bishop of Madras that an Assistant Bishop without independent jurisdiction should be appointed for the diocese of Madras. The Bishop represented that, owing to a very rapid increase in the Indian Christian population in the Telugu country and owing to the area over which missions are spread, it was very desirable that he should be relieved of a large part of his work in the mission districts in order that he might be able to devote much more time to the work for which he was primarily appointed in European stations and particularly in Madras itself. The Government of India intimated their willingness to support the proposal to the Secretary of State on certain conditions, the first two of which were, they understood, accepted by the Government of Madras and the Bishop. These conditions were :—(1) that the proposed appointment was to cause no expense to the State ; (2) that it was expressly understood that the Archdeacon of Madras and not the Assistant Bishop should

(a) H. D. letter no. 195, d. Apl. 30, 1907.
(b) H. D. letter no. 48, d. Feb. 4, 1908.
(c) H. D. letter no. 55, d. Feb. 13, 1908.

(d) H. D. despatch no. 4, d. July 16, 1908.
(e) Despatch no. 14 (Pub.), d. Jan. 22 1909.
(f) H. D. cir. nos. 426-432, d. Oct. 15, 1909.

always be the Commissary in charge of the diocese during the Bishop's absence; and (3) that the Assistant Bishop, if he was consecrated in India, was to be consecrated by virtue of a commission issued under Royal License by the Archbishop of Canterbury to the Metropolitan and Bishops in India. The Government of India asked to be furnished with a draft of the commission providing for the performance of the Commissary's duties, during the Bishop's absence, by the Archdeacon and that the name of the clergyman whose appointment was desired by the Bishop of Madras should be communicated to them."

2. In 1905, in connection with the proposed consecration of the Reverend

Consecration of bishops in India.

Foss Westcott as Bishop of Chutia Nagpur, the Metropolitan expressed his

desire "to dispense with express statutory powers, or strictly legal formalities, and to proceed as bishops of the Church of England proceed in like cases in churches which are not related to Government, *e.g.*, in South Africa or in Canada," or in other words to be allowed full powers in the matter of consecrating bishops in British India. While they were considering this proposal, the Government of India were informed that the Archbishop of Canterbury had obtained a Royal License empowering him to issue a commission to the Metropolitan for Mr. Westcott's consecration. Lord Minto's Government thereupon expressed their inability to accede to the Metropolitan's wishes, and asked him to adhere strictly to the procedure which was observed in the case of Bishop Whitley, the first Bishop of Chutia Nagpur, and to refrain from consecrating Mr. Westcott until the commission authorizing him to do so had been received. The correspondence was subsequently placed before the Secretary of State in order that he might be in full possession of all the facts and enabled to form a judgment on the expediency of recognizing the Metropolitan's claim to the right to consecrate bishops in India by virtue of his inherent powers. The Government of India remarked that they understood that according to the law of England consecrations of bishops could not take place unless the license of the Crown for their election had first been obtained, the Sovereign being the head of the church and alone able lawfully to nominate or appoint to the episcopal office, and that no previous claim had been made to consecrate a bishop for any part of India in the manner proposed. They were unable to regard with indifference the possible contingency that the Metropolitan, or some of his successors, might entertain such views as to the extent of their episcopal prerogative as might result in a large increase being made in the number of bishops without reference to the wishes of the Government, and they considered that the position thus created would be embarrassing as regards their relations with the bishops and might give rise to serious misapprehension in the minds of the people of India.⁵ The Secretary of State in reply informed the Government of India that Lord Cross, when he had the question of the consecration of bishops in India under his consideration in 1887-88, had before him a very important opinion given by high legal authorities bearing on that and other questions relating to Indian and missionary bishops, in which it was held that without the authority of the Crown it would be illegal for the Archbishop and Bishops of the Church of England at home or for the Bishops of Calcutta, Madras or Bombay to consecrate bishops either to preside over new dioceses in India or to act as suffragan bishops or as episcopal commissaries

(a) H. D. letter no. 510, d. Nov. 27, 1909.

(b) H. D. desp. no. 10, d. Dec. 7, 1905.

or assistants to the three Indian bishops within their respective dioceses. He was advised that there was no reason to doubt the soundness of that view of the law, but added that, even if it were a case in which the legal aspect was merely doubtful, it would still in his opinion be inadvisable to depart from what had hitherto been the invariable practice in this matter. In these circumstances he was unable to admit the claim of the Metropolitan to exercise the power of consecrating bishops either for foreign territory or within British India and he requested that His Lordship might be informed accordingly^a.

3. In August 1906 the Government of India agreed to the appointment of six of the clergy of the diocese of Lucknow to the honorary office of Canons of All Saints' Cathedral, Allahabad, on condition that the appointments received no official recognition and were not notified in the local Gazette, and in September 1909 they agreed to similar appointments being made, on the same conditions, in the diocese of Lahore.^b

In February 1910 Lord Minto's Government addressed the Secretary of State on the subject of the appointment of a second Archdeacon in the diocese of Lahore. The Letters Patent creating the see authorised such an appointment, provided that the clergyman appointed was a chaplain on the Government establishment. The Bishop desired, however, to be free to appoint a second Archdeacon, either an English or an Indian priest, to assist him in the missionary work of the diocese. He proposed that both Archdeacons should have jurisdiction throughout the diocese but should deal with different subjects, the missionary Archdeacon having no jurisdiction over chaplains in Government service. It appeared to the Government of India that this proposal was open to objection on the ground that an archdeaconry is a territorial jurisdiction. Dr. Lefroy, however, assured them, after consulting the Metropolitan and the Archbishop of Canterbury, that the proposal was in his opinion not really open to this objection. The Government of India thereupon recommended the proposal to the Secretary of State, if legal means could be found for giving effect to it, subject to the conditions that it was to involve no expense to the State, that the non-official Archdeacon was to have no jurisdiction whatever over Government chaplains and that the Letters Patent should be amended so as to provide specifically that the Archdeacon who was on the Government Establishment should at all times be the Bishop's Commissary during the Bishop's absence without further appointment.^c The Secretary of State sanctioned this proposal in June 1910.

4. In April 1906 the Government of India forwarded for the consideration of the Secretary of State memorials from the senior chaplains serving in India in which they prayed that their salary of Rs. 800 a month might be raised to Rs. 1,000 a month after the completion of five years in the senior grade. The request appeared to the Government of India to be reasonable and, since an intermediate scale of pay within a grade had already been recognized in the case of junior chaplains, they strongly supported the memorialists' prayer. In pursuance of their settled policy, however, they asked that future entrants into the service should be debarred from the grant of exchange

(a) Desp. no. 27 (Pub.) d. Feb. 23, 1906.

(b) H. D. letter no. 404, d. Sep. 29, 1909.

(c) H. D. desp. no. 3, d. Feb. 17, 1910.

compensation allowance, and proposed for them the following scale of pay :—

	Rs.
Probationary chaplains	480
Junior chaplains, for the first five years	530
Junior chaplains after five years' service as such	680
Senior chaplains for the first five years	850
Senior chaplains after five years' service as such	1,000

They also proposed (also as regards future entrants only) to assimilate the rules relating to chaplains' privilege leave and furlough to the ordinary rules on the subject^a. The Secretary of State approved all these recommendations^b.

In March 1907, Lord Minto's Government addressed the Secretary of State regarding articles 1089 and 1090 of the Civil Service Regulations which required a probationary chaplain who was removed from the service for misconduct of any kind, or who resigned his position for any cause other than certified ill-health, to refund the cost of his passage to India. It had been represented to them that cases might occur in which it was undesirable to confirm a probationer who had not been guilty of any misconduct but who was unsuited for the position of a chaplain on the Indian establishment, and that the natural reluctance of the ecclesiastical authorities to inflict the additional and heavier penalty involved in a refund of the passage money might lead to the confirmation of unsuitable men. They therefore recommended that the local Governments should be empowered to waive the claim to a refund in cases in which there had been no misconduct when they were satisfied that the circumstances justified this concession^c. This proposal was sanctioned by the Secretary of State in May 1907^d.

In 1908 Lord Minto's Government proposed, in view of the difficulty of obtaining suitable candidates for the ecclesiastical establishment, that the rule regarding the qualifications of candidates belonging to the Church of England should be altered so as to require a clergyman to have been three years in orders and to be in priest's orders, and to have attained the age of 27 years, before his nomination as a probationer, or before being allowed to count approved service not passed under Government towards pension^e. In November 1908 Lord Morley agreed to this proposal^f.

In September 1908, Lord Morley approved a proposal that probationary chaplains should be allowed the privilege enjoyed by probationers in other services of being eligible for the same leave as if they held substantive appointments^g. He subsequently decided on the recommendation of Lord Minto's Government that as this concession had been granted chaplains should no longer be eligible for the grant of free passages to England if they were compelled to quit the service during their probationary period on account of ill health^h.

In March 1909, Lord Minto's Government authorised the local Governments and Administrations to confirm probationary chaplains and to promote junior chaplains to the grade of senior chaplains. They took the opportunity of explaining what kind of service not rendered under Government might be allowed to count towards the probationary period of three years in the case of chaplains appointed in Indiaⁱ.

In November 1909 the Government of India sanctioned a proposal recommended by the General Assembly of the Church of Scotland that the three

(a) F. D. desp. no. 124, d. Apr. 26, 1906.

(b) Desp. no. 104 (Pub.), d. July 13, 1906.

(c) F. D. desp. no. 118, d. Mar. 28, 1907.

(d) Desp. no. 68 (Pub.), d. May 3, 1907.

(e) Desp. no. 3 (Ecc.), d. June 18, 1908.

(f) Desp. no. 175 (Pub.), d. Nov. 6, 1908.

(g) Desp. no. 153 (Pub. Ecc.), d. Sep. 18, 1908.

(h) Desp. no. 90, (Finl.) d. Aug. 13, 1909.

(i) H. D. cir. nos. 99—111, d. Mar. 12, 1909.

Presidency Senior Chaplains of the Church of Scotland in India should hold conferences annually^a.

5. In September 1905 the Secretary of State intimated that he had considered the circumstances in which Lord Curzon's Government had sanctioned a grant of Rs. 13,500 in aid of the building of a consecrated Anglican church at Lebong and their observations in regard to the policy to be pursued in such cases in future. After recounting the various stages through which the correspondence on the subject of church accommodation had passed, he remarked that his predecessor understood from the decision which had been arrived at in 1903 regarding the case of small military stations where more than one British regiment would never be present at one time that it was intended that the assent of all the denominations concerned should be a condition of the grant of assistance towards the building of separate denominational churches. He took exception to the manner in which this decision had been interpreted by the Government of Lord Curzon when they offered a contribution towards an exclusively Anglican church, but agreed to allow the promise of assistance to stand on condition that sufficient funds were raised by private effort within a year to permit of the completion of the church. He did not however see why the provision of church accommodation for the Presbyterians and Wesleyans at Lebong should be deferred until the year in question had elapsed and directed that the construction of an unconsecrated church of 450 sittings be put in hand without delay.^b Orders were issued accordingly.

With the approval of the Secretary of State, the Government of India sanctioned the payment in January and February 1906, respectively, of a grant of Rs. 3,000 towards the cost of building a church for the use of the Anglican community at Bettiah^c and of a grant not exceeding Rs. 3,000 in aid of the repairs to the Roman Catholic church at Simla^d which were rendered necessary by the earthquake of April 1905. In 1906 the provision of a Presbyterian church at Rawalpindi was sanctioned. The Government of Bombay having submitted a proposal for the construction of a new church at Khandala, the Government of India in September 1905 indicated their willingness to recommend to the Secretary of State a grant of Rs. 9,264, on the condition that the church was not consecrated, and inquired whether this proposal was acceptable to the local Government. The Governor in Council agreed, subject to certain remarks made by the Bishop of Bombay, who asked that at least the chancel of the new church might be consecrated and separated either by a revolving shutter or by some other means from the body of the building. Lord Minto's Government felt themselves unable to accede to the Bishop's proposal and informed the Government of Bombay that they would proceed to ask the Secretary of State to sanction a grant for the construction of an unconsecrated church at Khandala^e. In April 1906 the Bombay Government requested, at the instance of the Bishop, a reconsideration of this decision and asked that the matter might be referred to the Secretary of State. In doing so Lord Minto's Government explained that they were unable to admit that the church would be other than a new building, the former church having fallen into such a dangerous condition that it had

(a) H. D. letter no. 457, d. Nov. 3, 1909.

(b) Desp. 129 (Pub.), d. Sep. 29, 1905.

(c) F. D. desp. no. 358, d. Oct. 26, 1905.

(d) { Desp. no. 61 P. W., d. Dec. 1, 1905.

(2) { F. D. desp. no. 381, d. Nov. 23, 1905.

{ Desp. no. 2 P. W., d. Jan. 12, 1906.

(e) H. D. letter no. 53, d. Feb. 9, 1903.

to be abandoned as a place of worship about five years previously and eventually had to be dismantled. They added that no private subscriptions had been raised towards the construction of the new building and that as its entire cost was being borne by Government they saw no grounds for reconsidering their decision. They accordingly expressed an emphatic opinion that the policy of the Secretary of State, as declared by Mr. Brodrick in September 1905, directing that in future in all small military stations the single church to be constructed should be unconsecrated, should be enforced in this instance, anticipating that the admission of even one exception would eventually lead to the same difficulties as arose in connection with the question of church accommodation in the cantonment of Lebong^a. The Secretary of State expressed entire concurrence in these views and asked that the local Government might be informed that he was unable to meet the Bishop's wishes in the matter^b.

At the end of 1905 the General Superintendent of the Wesleyan Church applied for a grant towards the cost of the construction of the newly erected Wesleyan church at Jhansi, the authorities of that Church not having seen their way to accept the offer of Government to hand over to them the old Anglican church on the ground that the conditions of the transfer were not acceptable. In reply the Government of India explained the views which they had taken of the question of church accommodation at Jhansi and pointed out that they had discharged their obligation to provide the means of worship for Wesleyan soldiers by placing St. Saviour's at the disposal of the military authorities, and that, since the Wesleyans had refused the offer with the full knowledge that such refusal would be considered in the event of any further request being made for the provision of church accommodation at Jhansi for Scottish and Wesleyan troops and had actually consented to the demolition of the existing church when it was proposed by the Director-General of Military Works, they were not prepared to consider the request for a grant-in-aid for the new Wesleyan church^c.

The Government of India accepted a proposal to construct an unconsecrated church with 450 seats at Chaubattia. In the beginning of 1906 the Government of the Punjab submitted a proposal for the provision of Anglican churches at Lyallpur and Mianwali, based upon the principle which the Lieutenant-Governor found was recognised in the Punjab in 1860, and which he thought still held good, that every station should have a building devoted to public worship. In reply it was explained that the principle on which the Lieutenant-Governor relied was directly opposed to the rules under which grants-in-aid of the construction of churches had been made since 1865 and which superseded the earlier unsystematic arrangements in force in the various provinces. The Government of India did not recognize that principle nor had it, so far as they were aware, ever been laid down or accepted by the Secretary of State. They were compelled to insist upon strict compliance with the existing rules, since any relaxation of them in the Punjab would necessarily be followed by demands for similar relaxations elsewhere, and they informed the local Government that they were unable to entertain the proposals made in regard to the two stations in question. In May 1906 the Director-General of Military Works represented that the old Wesleyan church in Lucknow which had become unsafe had been demolished and that a new church had been built in its place

(a) H. D. desp. no. 6, d. July 19, 1906.

(b) Desp. no. 131-Pub., d. Sep. 14, 1906.

(c) H. D. letter no. 86, d. Mar. 3, 1906.

towards the construction of which a grant was fairly admissible under rule. He accordingly recommended a grant of Rs. 6,000, and this the Government of India sanctioned. A grant of Rs. 7,000, the maximum admissible under the rules was sanctioned in July 1907 for a new Roman Catholic chapel at Naini Tal^a. The construction of a Roman Catholic church at Solon was also sanctioned^b. A grant of Rs. 2,000 was made towards the construction of an Anglican church at Sambalpur^c and of Rs. 4,370 towards the cost of building a new Wesleyan church at Sialkot^d. An additional grant of Rs. 3,000, amounting, with the grants previously made in 1901 and 1904, to the maximum grant admissible, was made for the Presbyterian church at Dalhousie^e. The Prefect Apostolic of Kashmir and Kafiristan proposed that the diocese should be permitted to build its own church at Nowshera on the site of the building which was previously used as a church, that it should be permitted to utilise, free of charge, the materials of the existing building for the construction of the new church and that Government should pay compensation for the sittings in the new church occupied by troops. The Government of India sanctioned this proposal^f. In December 1907, the Government of Burma, in reply to an enquiry, was informed that no rule had been prescribed by the Government of India curtailing in any way the liberty of bishops, either in the matter of the consecration of churches erected in small civil stations where British troops are never likely to be quartered or in the regulation of services in such buildings whether they were consecrated or not. It was at the same time pointed out that in the case of churches which were or were deemed to be under the ecclesiastical rules the property of Government, the consent of Government, but not necessarily the consent of the Government of India, to consecration was required^g. In May 1908, the Government of India supported to the Secretary of State the Bengal Government's request that a grant of Rs. 5,000 should be made towards the cost of repairing the Roman Catholic Cathedral at Patna. They thought that, although, as the Cathedral is private property, the proposal was inadmissible under rule, the case should be treated specially on account of the historical interest of the church, the inability of the Roman Catholic community to provide the full cost of repairing it and the fact that on the strength of a promise of assistance made by the local Government the Bishop had collected in private subscriptions the remainder of the sum required^h. Lord Morley sanctioned the grant as a wholly exceptional caseⁱ. Lord Minto's Government informed the Secretary of State, in reply to enquiries on the subject, that the number of Wesleyans in Dalhousie was so small that Government could not properly be expected to provide separate church accommodation for them and that arrangements had been made for holding Wesleyan services at the dépôt in the school room and for troops in camp in tents. They explained that their reason for agreeing to the consecration of the proposed new church at Dalhousie was that the Bishop of Lahore had undertaken to contribute Rs. 5,000 towards the cost of the building on the express understanding that consecration would be allowed, and because, in their opinion, Dalhousie could reasonably be regarded as a station in which Anglicans, Presbyterians and Wesleyans were entitled to separate accommodation. They added that they thought that the existing arrangements for Wesleyans might

(a) H. D. letter no. 307, d. July 9, 1907.

(b) H. D. letter no. 321, d. July 20, 1907.

(c) H. D. letter no. 315, d. July 17, 1907.

(d) H. D. letter no. 430, d. Oct. 7, 1907.

(i) Desp. no. 27, P. W., d. June 26, 1908.

(e) H. D. letter no. 505, d. Dec. 7, 1907.

(f) H. D. letter no. 91, d. Mar. 8, 1908.

(g) H. D. letter no. 509, d. Dec. 9, 1907.

(h) F. D. desp. no. 142, d. May 14, 1908.

continue, but that if reasonable objections were taken to them or if the number of Wesleyan troops were considerably increased they would be willing to consider an application for a grant-in-aid of a separate church*. The Secretary of State, in February 1909, replied that he was unable to agree that the proposed new church should be consecrated and asked that the promised subscriptions, if paid, should be refunded¹. In July 1909, a grant of Rs. 7,000 in aid of a new Roman Catholic church at Mussoorie and a grant of Rs. 2,000 towards the cost of increasing the accommodation in the Roman Catholic church at Nasirabad were sanctioned. In July 1909, Lord Minto's Government informed the Government of the Punjab that they were unable to agree to the construction at Government expense of a new civil church at Dharmasala to replace the building which was destroyed in the earthquake of 1905, but intimated their willingness to consider an application for a grant-in-aid of a new church, in accordance with the ecclesiastical rules. In the same month they sanctioned a grant of Rs. 1,500 towards the cost of reconstructing the Roman Catholic church at Malapuram.

6. In a despatch of the 29th September 1905 the Secretary of State impressed upon the Government of India the fact that the question of the provision of church accommodation for Scottish regiments which would admit of the Holy Communion being administered according to the rites of the Church of Scotland excited much feeling at home and that it was most desirable that measures should be taken to secure that no just cause of complaint should be given to the Church of Scotland in regard to it. He suggested that if Scottish regiments could not always be posted to stations where there was a Presbyterian church the point should invariably be considered carefully before the reliefs were arranged, and requested that whenever it was found necessary to send a Scottish regiment to a station where there was no such church for its use, the Government of India would report the arrangements proposed to meet the difficulty. As regards the provision of temporary accommodation when a Scottish regiment was sent to a station with only a consecrated church, he stated that he understood that the reliefs were arranged about six months before the moves actually took place so that there would ordinarily be time to erect the building required before the regiment occupied its new station. He asked that, in reporting to him the posting of a Scottish regiment to such a station, the Government of India would inform him in each case how they proposed to provide the accommodation required and when it would be available.*

The Secretary of State afterwards reconsidered the question and decided in December 1907 that it was time to aim at a final solution of the difficulties which had arisen regarding the use by Presbyterian troops of Government churches which had been consecrated to the use of the Church of England. He therefore proposed, unless the Government of India saw any insuperable objection, to inform the authorities of the Church of Scotland that Scottish regiments would not in future be sent to stations at which there was no Presbyterian or unconsecrated church except when some emergency might make it temporarily necessary in the interests of the public safety². The Government of India intimated that they accepted this proposal³. Its adoption did not close the controversy, as objections were taken to the exclusion of Scottish regiments

(a) H. D. desp. no. 5, d. Nov. 5, 1908.

(b) Desp. no. 32 (Pub.), 3. Feb. 19, 1909.

(c) Tel. no. 72, d. Feb. 18, 1908.

(e) Desp. no. 128-Pub., d. Sep. 23, 1905

(d) Desp. no. 213 (Pub.), d. Dec. 27, 1907.

from stations otherwise suitable, on account of the absence of Presbyterian or unconsecrated churches. At the end of 1903, however, the Archbishop of Canterbury and the Indian Bishops on the one hand and the authorities of the Church of Scotland on the other made comprehensive proposals to the Secretary of State for a final settlement of the difficulties which have from time to time arisen in regard to the use of consecrated churches. Lord Minto's Government, after consulting the Metropolitan in India and Ceylon and the military authorities, agreed to accept the proposed settlement in a modified form, and in August 1910 they forwarded to the Secretary of State a draft of a resolution to give effect to it.

They proposed that all military stations to which British troops are liable to be sent should in future be divided, for the purpose of questions affecting church accommodation for troops, into three classes, namely:—(i) *Class A stations*.—Stations having a garrison of two or more full battalions or of 2,000 men or more; (ii) *Class B stations*.—Stations, not included in class A, where Scottish regiments are liable to be posted, which have a garrison of 750 men or more; and (iii) *Class C stations*.—All other stations.

In class A stations in which there was not already an unconsecrated church available and sufficient for the services of all denominations alike, they considered that the Church of Scotland should be regarded as entitled to separate churches large enough for the parade service of a full battalion, and the Wesleyans to grants-in-aid of separate churches large enough for the average number of Wesleyan troops ordinarily posted to the stations. In stations in this class they proposed to construct, as early as possible, separate Presbyterian churches, where these did not already exist, and to enlarge those which were not in their opinion of sufficient size. They proposed also to consider applications for grants, in accordance with the Ecclesiastical rules, in aid of Wesleyan churches in class A stations. In class B stations in which there was not already available an unconsecrated church sufficient for the services of all denominations alike, and in which there was not already a Presbyterian church, the Government of India were prepared to provide separate churches large enough for all services other than parade service, which—although the Church of Scotland would have the primary claim to them—were also to be available, in stations in which there were no separate Wesleyan churches, for Wesleyan services, when these could be arranged for. In class C stations, where there were no churches available for Presbyterian and Wesleyan services, decently furnished rooms set apart for religious purposes were to be provided whenever arrangements could be made to conduct Presbyterian or Wesleyan services. The Government of India proposed to include in the resolution detailed rules to be observed by Brigade Commanders when applying to the Bishops for the use of consecrated churches for services other than those of the Church of England, and to state the circumstances in which the Bishops had agreed to lend these churches. The scheme involved an estimated expenditure of from 2½ to 3 lakhs of rupees on new Presbyterian churches, but did not commit Government to any additional expenditure on account of the Wesleyans, who had already, in 1903, been promised grants-in-aid of churches of their own in the larger stations, when the need for separate accommodation was established.

7. The Government of India considered two letters from the Government of the Punjab submitting (i) a memorial from the Moderator and Members of

the Kirk Session of St. Andrew's Church, Simla, in which they prayed for a contribution of Rs. 500 a month towards the salary of the minister whom they proposed to appoint, and (ii) an application from the Office Bearers of the Presbyterian church at Lahore for a similar grant of Rs. 150 a month. In reply^a Lord Minto's Government explained how the services of the eighteen chaplains of the regular establishment were utilised and that no chaplain could be made available either for Simla or Lahore. As regards ministers not on the regular establishment they pointed out that allowances in the form of capitation grants or travelling allowance for visiting out-stations were given for ministration to troops only and informed the local Government that, as Government accepted no liability whatsoever to provide religious ministrations for its Presbyterian servants in civil employ outside the Presidency towns, they could find no sufficient reason for asking the Secretary of State to allow an exception to be made in the case of Simla or Lahore.

8. In the beginning of 1905 the authorities of the Wesleyan Church in England asked that the system of grant-
Pewage and capitation allowance. fixed minimum allowances at certain

stations for ministrations to soldiers might be extended to other important stations and proposed that the minimum allowance should be raised from Rs. 150 to Rs. 250. They also suggested that a limit of time should be fixed, after which the deduction of 4 per cent made from the pewage on account of interest on the sum contributed by Government towards the construction of Wesleyan churches should cease. Statistics were collected and it was found that the strength of the Wesleyan congregation at the different stations named justified the extension of the system to three only (Bombay with Deolali, Quetta and Meerut with Chakrata). The Government of India then asked the Secretary of State to sanction a fixed allowance for those stations, but they saw no good reason for any increase in the rate of the allowance. As regards the third proposal they informed the Secretary of State that pewage included interest on capital outlay incurred by the Wesleyan Church in providing for the requirements of Government and that it was obvious that where the capital cost or a portion of it had originally fallen on the Government, the claim for pewage should be correspondingly reduced. They further explained that the arguments against the deduction of interest in perpetuity on the grant which Government makes would apply with equal force against the grant of interest in perpetuity which is involved in the grant of pewage on the capital outlay which the Wesleyans incurred on account of Government requirements^b. The Secretary of State accepted the conclusions of the Government of India on the three points raised by the Wesleyan authorities and sanctioned a fixed minimum allowance of Rs. 150 in the cases of Bombay with Deolali, Quetta and Meerut with Chakrata^c.

In July 1909 the ecclesiastical rules were altered so as to authorise local Governments to sanction the payment of compensation for sittings in churches not belonging to or rented by Government, on the condition that the rules were strictly followed and that all cases in which their application was doubtful were referred to the Government of India^d.

In September 1909 the Secretary of State forwarded for the consideration of Lord Minto's Government a representation in which the Army and Navy Board

Allowances of Wesleyan ministers employed with troops.

(a) H. D. letter no. 186, d. Apl. 30, 1906.
 (b) H. D. desp. no. 2, d. Mar. 29, 1906.

(c) Desp. no. 77-Pub, d. June 22, 1906.
 (d) H. D. cir. nos. 270-295, d. July 22, 1909.

of the Wesleyan Methodist Church asked that the minimum allowance then granted to Wesleyan ministers employed with troops in twelve stations might be raised from Rs. 150 a month to £250 a year, that the same allowance should be granted at two more stations, that the ministers employed solely with troops should be described as chaplains and that provision should be made for the appointment of a Superintendent, through whose hands all communications would pass. Lord Morley asked that these requests should be considered with special reference to the allowances made to Roman Catholic priests employed with troops.^a Lord Minto's Government, in replying to the Secretary of State's despatch in July 1910, stated that on the average each Roman Catholic priest had charge of about 216 men, and that the number of Wesleyan soldiers exceeded or approximated to this number in only five of the fourteen stations referred to by the Wesleyan Army and Navy Board. In these five stations, and in any others in which the number of Wesleyan troops was found to be not less than 200, they were prepared to give Wesleyan Ministers an allowance of Rs. 250 a month—Rs. 50 more than the minimum allowance granted to a Roman Catholic priest—and to raise this allowance, in not more than one-third of these stations, to Rs. 300 a month, when the ministers had served with the troops for seven years. They agreed that Wesleyan ministers employed solely with troops should be described as "chaplains," on the condition that the grant of this concession was not to be made a basis for further demands; and they readily accepted the proposal that a Superintendent should be appointed, on the understanding that it was not proposed that he should receive a special allowance from public revenues.^b

9. In December 1907, the Secretary of State was furnished with a return for presentation to Parliament of the charges on ecclesiastical establishments in India for the year 1906-07, together with returns showing, as far as possible, the payments which had been made at stations in the several provinces of British India where there were European troops and where there were no such troops.^c

In September 1907, a memorial, received from the South India Missionary Association, praying that it might be declared by legislation that the provisions of the Indian Divorce Act, 1869 (IV of 1869), are applicable to the marriages of Christian converts solemnised by non-Christian rites before conversion, provided that the causes for the divorce have arisen subsequent to the conversion, was referred to the Government of Madras for a full expression of their views.^d

The local Government, in replying to this letter in July 1909, agreed with the memorialists that converts to Christianity often find themselves under the existing law labouring under a serious disability, but thought that by not taking into consideration all the aspects of the problem, and by selecting a simple instance, instead of putting the case or reflecting on more particular cases, they had persuaded themselves without reason that the disability complained of was susceptible of an easy and simple remedy. The Governor in Council did not agree that the remedy lay in the amendment of the Indian Divorce Act, 1869, as that Act was passed with reference to Christian marriages recognised by the law of England and could not appropriately have inserted in it a clause dealing

(a) Desp. No. 128 (Pnb.), d. Sep. 3, 1900.

(b) H. D. Desp. No. 5 (Eccl.), d. July 14, 1910.

(c) H. D. Desp., no. 5 (Eccl.), d. Dec. 19, 1907.

(d) H. D. letter no. 417, d. Sep. 7, 1907.

with marriages not involving all the incidents of a Christian marriage. He considered that if the law was to be amended a separate Act would be necessary, and that it was essentially necessary in the first place that enquiry should be undertaken as to the extent to which legislation was required, the form which should be adopted and the many points of difficulty which might arise. The other local Governments were consulted on the subject in January 1910 and were asked to consult not only the ecclesiastical and high judicial authorities but the general public and, in particular, as the proposed legislation, if undertaken, would affect non-Christian marriages, to ascertain as far as possible all reasonable objections which might be urged against it by persons of other religions^a.

In July 1908 the Government of India supported a proposal made by the Metropolitan that the Archdeacons of Lucknow, Nagpur and Rangoon should be granted a special allowance of Rs. 100 a month each as remuneration for the extra duties in respect of Government cemeteries and the maintenance of graves and tombstones which were imposed upon them by the ecclesiastical rules of 1901^b. The Secretary of State declined to sanction this proposal on the ground that it was inconsistent with the understanding on which these Sees were created, *viz.*, that they should entail no additional expenditure to the State^c.

In January 1909 the Secretary of State invited the attention of Lord Minto's Government to the question of the registration of births and deaths among Europeans in British India. It had been represented to him that under the present system of ecclesiastical returns, supplemented by voluntary registration under the Births, Deaths and Marriages registration Act, (VI of 1886), considerable inconvenience was caused to many people, not only by the fact that no records existed in many cases but also by the difficulty frequently experienced in tracing certificates of baptism in cases where that rite had not been solemnised until a considerable time after birth. He was aware that the question of introducing compulsory registration of births and deaths in the case of Europeans was considered in 1886 but that the enactment of a compulsory measure confined to particular classes of the community did not commend itself to the Government of India of that time. He thought however that the question might with advantage be reconsidered with a view, should it be regarded as practicable, to the introduction of a more complete and efficient system of registration specially among Europeans and possibly among other classes of the community.^d The question was referred to the local Governments^e and, on receipt of their replies, it was decided, in September 1910, that compulsory registration was, in existing circumstances, impracticable, except in municipal towns and cantonments.

(a) H. D. cir. nos. 12-21, d. Jan. 12, 1910.

(b) F. D. desp. no. 212, d. July 23, 1908.

(c) H. D. cir. nos. 155-64, d. Apl. 16, 1902.

(d) Desp. no. 170 (Pub.), d. Oct. 30, 1908.

(e) Desp. no. 16 (Pub.), d. Jan. 22, 1909.

CHAPTER XI.

LOCAL SELF-GOVERNMENT.

(a) MUNICIPAL.

1. The Howrah municipality was, in March 1906, granted a loan of Rs. 3,91,000 for the construction of the southern foreshore section of its drainage project. A loan of Rs. 91,000 was also granted in the same year to the Nellore municipality to enable it to carry out a water-works scheme. In June 1906 the Lucknow municipality was granted a loan of four lakhs to enable it to carry out a drainage scheme. In September 1903 a loan of $4\frac{1}{2}$ lakhs was given to the Jubbulpore municipality to meet expenditure in connection with certain improvements in its water-works. In the same year a loan of one lakh was sanctioned for the Nagpur municipality for the improvement of its markets.

In March 1908 the Bangalore municipality was granted a loan of Rs. 12,000 to enable it to meet expenditure in connection with plague preventive measures. In July of the same year the Berhampore municipality was granted a loan by the Madras Government of Rs. $1\frac{1}{2}$ lakhs to meet expenditure in connection with a scheme of water-supply. A loan of Rs. 3,60,000 was also granted by that Government in September to the Salem municipality in connection with the water-supply of the town. In October 1904 the Madras Government had been authorised to grant the Corporation of Madras a loan of Rs. 25 lakhs in connection with the drainage and water-works of the town, and the first instalment of Rs. 7 lakhs of this loan was taken by the Corporation in 1905-06. A second instalment of Rs. 4 lakhs was taken on the 1st March 1909. In October 1908 the Government of India sanctioned the grant of a loan of Rs. 2,42,000 to the Mussoorie municipality to enable it to complete the hydro-electric scheme of water-supply and lighting for the station. In December of the same year sanction was conveyed to the grant of a loan by the Madras Government of Rs. 73,000 to the Periyakulam municipality in connection with the scheme for the water-supply of the town.

In January 1909 the Government of India undertook to provide funds in the provincial loan estimates for the years 1909-1912 to enable the Chief Commissioner of the Central Provinces to grant to the Nagpur municipality a loan of Rs. $7\frac{1}{2}$ lakhs for supplementing the water-supply of that town. In February a loan of Rs. $5\frac{3}{4}$ lakhs was sanctioned for the Lucknow municipality for the drainage scheme of the city. In August of the same year the corporation of Madras was granted a loan of Rs. 4 lakhs for the purpose of carrying out certain sanitary improvements.

2. The Calcutta Corporation was authorised to raise a loan of nine lakhs of rupees in August 1906, and the Corporation of Madras to raise a loan of one lakh in the open market for certain sanitary measures in December of the same year. In July 1907 the Calcutta Corporation was authorised to raise a loan of 20 lakhs for drainage, water-supply and the construction of municipal offices, roads, squares, tanks and other improvements, subject to the conditions that the loan would bear interest at 4 per cent. per annum and should be repaid in thirty years.

In July 1908 sanction was given to the raising of a loan of Rs. 11,44,000 in the open market by the Rangoon Municipality to meet expenditure in connection with sanitary measures. In September of the same year the

Corporation of Calcutta was authorised to raise a debenture loan of Rs. 34 lakhs bearing interest at 4 per cent. and repayable in 30 years, on the condition that the Government of Bengal arranged that the contribution of the Corporation to the scheme for financing the Improvement Trust should be carried out on the lines approved by the Secretary of State. In November, the Government of India sanctioned the raising in the open market by the municipal committee of Rangoon of a loan of Rs. 27½ lakhs bearing interest at 4 per cent, in connection with the Rangoon Reclamation Scheme, and suggested that the whole loan should have a currency of 25 years, on the ground that the committee would very likely get better terms if the loan was made repayable after 20 or 25 years than if it were repayable in small sums at different periods, as the committee had proposed.

In June 1909 permission was given to the Corporation of Calcutta to raise a loan by the issue of bills for an amount not exceeding 10 lakhs, repayable within three months, in order to enable them to finance the loan funds pending the raising of a fresh debenture loan; and in July of the same year sanction was given to their raising a debenture loan of Rs. 60 lakhs bearing interest at 4 per cent. and repayable in 30 years. The Corporation of Madras was also authorised to raise, in the open market, a loan of Rs. 5,75,000 bearing interest at 4 per cent. and repayable in 30 years, in order to meet the cost of reconstruction of a bridge and a hospital, and the construction of a new office for the Corporation and a subsidiary market.

3. The insanitary condition of Simla, and the ineffective control and financial

Municipal administration of Simla.

dependence of the municipal committee, which have marked the history of municipal

administration of this settlement ever since its inauguration, were the main reasons which led Lord Curzon's Government to initiate a complete reform and to recommend to the Secretary of State that legislation be undertaken to place the municipal administration of the station under the immediate control of the Government of India. The Secretary of State admitted that a radical reform was necessary, but doubted whether the transference of supervision to the supreme Government and the consequent removal of the summer head-quarters of the Punjab Government would ensure more efficient working; otherwise he accepted the general lines of the scheme. It appeared, however, to the Government of India that the establishment of direct control afforded the only basis upon which the question of municipal reform could be seriously and comprehensively considered, and on assumption of office as Governor-General, Lord Minto determined to reiterate the proposals of his predecessor, and supported them with the views of the then Lieutenant-Governor (Sir Denzil Ibbetson) whose intimate acquaintance with the scheme as Member of the Governor-General's Council, supplemented by experience of the actual administration of Simla, gave great weight to his conclusions^(a). In regard to the dual control over municipal affairs, the continuance of which the Secretary of State desired, concrete instances were given of delays, waste of power and general inefficiency resulting from the interposition of the Punjab Government between the municipal committee and the Government of India. The Secretary of State admitted that the Government of India enjoy a preponderating interest in Simla, and that they would probably be obliged in the future, as in the past, to make considerable grants from imperial revenues for necessary improvements, but he contended that these considerations would

(a) { H. D. de-p. no 2, d. Jan. 11, 1906.
Punjab letter no. 26435, d. Oct 3, 1905.

be sufficiently safeguarded by the power of ultimate control which must be retained by them. It was argued in reply that the ~~parastation~~ of the dual control would place the local Government in the wholly false position of being constantly called upon in the first instance to decide questions affecting the interests of the Government of India, which not only predominate greatly over those of the local Government, but are in themselves infinitely more complicated, and a situation would thus arise which both Governments would find intolerable. The local Government would either have to refer for the orders of the Government of India a variety of matters under the Simla Act or decide them on an imperfect knowledge of the facts and take the risk of being overruled by the Government of India in the exercise of its "ultimate controlling authority." However extensive might be the powers conferred by the special law upon the local Government, it would be impossible to eliminate the necessity for the constant intervention of the ~~supreme~~ Government in financial matters in which they are directly interested, and in questions affecting the public which must be referred to them as the ultimate court of executive appeal. In practice, therefore, the local Government would be deprived of all real independent authority and the knowledge that its orders would constantly be liable to revision would deprive its administration of vigour and continuity. Mr. Brodrick held that the transfer of the Punjab Government would not afford material relief to the overcrowding of Simla since there would be fresh accretions following the advent of the railway into Simla; but it was effectively shown that the removal of the local Government would result in a permanent reduction in the population of Simla of some 3,500 persons: and as to the question of costs, which the Secretary of State maintained would not be commensurate with the relief afforded, his attention was invited to previous arguments urged by Lord Curzon's Government for the location of the records in Simla in the quarters now occupied by the Punjab Government, as it is not possible to find space for them in Calcutta. The cost of constructing a suitable building in Calcutta would be enormous, approximating nearly 22 lakhs against an estimate of 14 lakhs which the transference of the local Government would involve. Mr. Brodrick had considered that the detailed questions which must arise in connection with the rights of private property and the territories of adjacent native states could be settled most conveniently by the local Government, and that it would not be consistent with the dignity of the supreme Government to be involved in disputes arising from the system of municipal taxation which now obtains, or to regulate minutely the conservancy and sanitation of the settlement by drastic measures directed against overcrowding and other insanitary practices. Lord Minto's Government shared the views of the Lieutenant-Governor that it is rather the courts that are concerned with disputes regarding private property in Simla than Government, and they further pointed out that if the powers conferred upon the Superintendent of Simla as contemplated in the scheme are analogous to those exercised by the Commissioners of the district of Columbia, the position occupied by the Government of India will be that of a final authority and referee. It was argued that the dignity of the Government of the United States has been in no way impaired by its intimate connection with the municipal administration of Washington, and that the Government of India would be no worse situated in this respect. Lord Minto's Government explained that they had completely scrutinised the whole scheme in all its aspects, and were of opinion that the modifications proposed by

Mr. Brodrick would, if adopted, give rise to most regrettable and mischievous friction, not only between the two Governments, but also between the non-official public and one or other of the Governments concerned, and asked in January 1906 that the whole of the scheme as put forward by Lord Curzon's Government might be sanctioned.

Meanwhile the Punjab Government pressed for early orders as to the reorganisation of the municipality as the state of uncertainty as to its future administration was proving prejudicial to the interests of the town. The Government of India were at first anxious to await the Secretary of State's decision upon their proposals before authorising reforms, but as no reply had been received by April 1907 they realised that the *ad interim* reconstitution of the municipal committee could no longer be deferred, and in April 1907 asked Sir Denzil Ibbetson, then Lieutenant-Governor of the Punjab, for an expression of his opinion on the proposals for a wholly nominated committee which had been submitted by Sir Charles Rivaz in February 1906. In June 1907 Mr. Gordon Walker, then officiating Lieutenant-Governor of the Punjab in place of Sir Denzil Ibbetson, who was on leave, submitted proposals for a nominated committee of eight members, consisting of the Deputy Commissioner as Chairman, the Health Officer and the Executive Engineer, together with one member each to represent respectively (1) the Government of India, (2) the visitors, (3) the traders, (4) the owners of property and (5) the native population. The Government of India decided to defer action pending the return of Sir Denzil Ibbetson from leave as they wished to receive an expression of his views on the question. Meanwhile in July 1907, the Secretary of State's orders on the questions of the municipal administration of Simla and the removal of the summer head-quarters of the Punjab Government from Simla to Dalhousie were received.* The Secretary of State decided that the summer head-quarters of the local Government should remain at Simla and, subject to the condition that they should not assume direct responsibility for the executive administration of the station, left it to the Government of India to decide the principles upon which it should in future be administered. In August 1907 the Government of India communicated these orders to the local Government and asked for fresh proposals for the permanent administration of the station. The new proposals which were received in September 1907 were practically the same as those of June 1907, with this difference that the Senior Civil Surgeon was substituted for the Health Officer and that the seasonal visitors were not to have a special representative. The Government of India accepted the proposals with the remark that their adoption would pave the way for an autocratic form of administration which it would probably be necessary to introduce eventually. The reconstitution of the municipal committee on the above lines was finally effected in March 1908.

4. During the administration of Lord Curzon the proposals of the committee which sat in 1898 to consider the best means of providing for the

Simla Improvement.

extension of Simla were laid before the Punjab Government, and several of them were gradually carried into effect as municipal resources, with the help of a substantial subvention from Government, permitted. In view of their direct interest in the undertakings the Government of India agreed to meet half the entire cost up to a limit of ten lakhs from Imperial and Provincial funds, in the proportion of two-thirds and one-third respectively. Up to March 1903 a sum of 9½ lakhs had been expended on extensions to the water-supply

(a) Desp. no. 93 (Pub.), d. July 5, 1907.

and sewage system ; but as regards the acquisition of additional areas or the construction of new roads, a new bazar or cooly lines, nothing had been effected. Dissatisfied with these results, Lord Curzon's Government determined to press for more energetic action on the part of the local Government, and made a grant of twenty lakhs for the purpose of acquiring private rights in the lands to be taken over and for the prosecution of the remaining proposals of the extension committee. In May 1906 the Government of the Punjab submitted proposals for effecting exchanges of land with, and the grant of compensation to, the rulers of Koti and Keonthal in connection with the Simla extension scheme. Lord Minto's Government, after fully considering the matter, considered it desirable, as the interests involved were very varied, and a continual interchange of opinions between the Punjab Government and the various departments of the Government of India concerned was consequently necessary, that a small representative committee should be appointed to review the progress already made, and to decide what further action was necessary for carrying out the proposals for the improvement of the station.

In June 1907 the Government of India accordingly requested the Government of the Punjab to convene a representative committee to consider and report upon the various projects suggested for the improvement of Simla by the Simla Extension Committee of 1898, with reference both to the progress made up to date and to the further action that might be necessary for carrying out such of the proposals as the committee might recommend. The report of this committee was received in April 1908 and the orders of the Government of India upon it were communicated in September of the same year to the local Government.

The Government of India agreed with the Committee that the distinction between extension and improvements need no longer be maintained, and sanctioned the formation of a combined fund out of (a) the Imperial and Provincial grants sanctioned in July 1899, which will eventually amount to Rs. 6½ lakhs and 3½ lakhs, respectively, when the municipal contribution reaches 10 lakhs, (b) loans raised or to be raised by the municipality amounting to Rs. 10 lakhs and (c) the further Imperial grant of Rs. 20 lakhs, sanctioned in March 1904. At the same time they informed the local Government that no further contribution could be given to the scheme from Imperial revenues, which had already subscribed with extreme liberality towards it. They offered no objection to the proposed enhancement of the dog tax and said that they would await matured proposals on the question of further taxation. They accepted the programme put forward by the Committee and considered that the various works should be taken up in the following order :—

- (1) Acquisition of private rights in property which is to be taken up ;
- (2) the hydro-electric and water-works scheme ; (3) sanitary works ; (4) major and minor improvements of existing communications ; and (5) proposed new roads.

In March 1909, the Lieutenant-Governor of the Punjab proposed to drop for a time the acquisition of private rights in the Simla Bazars and to proceed instead with other works of improvement. He raised the question of promulgating a special Municipal Act for Simla based on the provisions of the Cantonments Act, 1889. The Government of India agreed to the first proposal subject to the condition that sufficient funds should be reserved to meet the cost of

acquiring buildings the demolition of which is necessary on sanitary grounds ; but they did not think it desirable to proceed with the second proposal as such legislation would be strongly opposed by the public, and was in their opinion unnecessary.

In September of the same year the local Government convened a small conference to reconsider the financial position in connection with the improvement scheme. The conference estimated that, after meeting the charges for the completion of the roads that were actually under construction and for the acquisition of certain property in the main bazar, and setting apart the necessary sum required for the hydro-electric scheme, a balance of Rs. 1,24,817 only would be left to the credit of the improvement fund. This estimate was based on the assumption that the sum of 4 lakhs, representing a loan of 2 lakhs to be raised by the Municipality and a corresponding contribution to be given by the Imperial and Provincial Governments under the orders of July 1899, would be added to the fund. The Government of the Punjab inquired^a whether the sum of 4 lakhs should be taken up as suggested by the Conference, and if so, whether the Government of India had any suggestions to make as regards the expenditure of the balance.

The materials furnished by the local Government were insufficient to enable the Government of India to come to a decision on the points referred to them. They therefore^b directed that no further expenditure should be incurred on roads, other than that which might be required to complete the projects actually in progress, and asked for information which would enable them to ascertain how far the Committee's programme had actually been carried out and how far their estimates had proved wide of the mark.

5. The necessity for taking measures to open out the congested areas of Calcutta has long been recognized.

Calcutta improvements.

After some correspondence between the Government of India and the Secretary of State it was decided in 1905 that the proposed improvements should be carried out by a Trust appointed by Government, and that the scheme should be financed by contributions from Government and the Calcutta Corporation as well as by the imposition of certain new taxes. The taxes proposed were a jute tax, succession and transfer duties, a railway passenger tax and an additional income tax. The Secretary of State, however, pointed out certain difficulties attending the levy of the additional income tax and desired that the matter should be reconsidered. The Government of India themselves felt doubtful as to the advisability of levying a succession duty. On receipt of the Secretary of State's views, therefore, they somewhat modified the scheme of taxation, and in July 1905 they remitted the whole project to the Government of Bengal for full discussion with the Corporation and other representative bodies and the public generally. In February 1907 the Government of Bengal submitted its proposals, which were framed after the whole scheme had been considered by a conference of representatives of the Government of India, the Government of Bengal, the non-official community of Calcutta and the municipal corporation.

The proposals put forward by the local Government were, with one unimportant exception approved by the Government of India. As regards the constitution of the Trust it was decided to adhere to the original proposals put forward in

(a) Punjab letter no. 851, d. Nov. 23, 1909.
(b) H. D. letter no. 71, d. May 26, 1910.

1905, that is to say, that it should consist of a President and six Trustees all appointed by Government, the Chairman of the Corporation being a Trustee *ex officio*, two Trustees being Municipal Commissioners, and one a member of the Chamber of Commerce. To meet the objection that the Trust would be too small to admit of fair representation of all interests, the local Government proposed to take power to enable the Trust to coöpt other persons when required. As regards the financial aspect of the scheme the Government of India accepted the proposal that in addition to the grant of 50 lakhs originally contemplated a further sum of Rs. 1,50,000 should be assigned to the Trust for a period of sixty years. The scheme also included the following proposals:—(1) that the Corporation should contribute to the Trust an annual sum equal to a 2 per cent consolidated rate estimated at present to yield 5·40 lakhs; (2) that a transfer-duty, at 2 per cent. should be imposed on sales, gifts and usufructuary mortgages of immoveable property in Calcutta; this was estimated to yield at present 2 lakhs a year; (3) that if in any year the sum of these two sources of income should fall short of 7·50 lakhs the Corporation should make up the deficiency; (4) that a jute tax should be levied at 1 anna 9 pies per bale or per 5 maunds, estimated to yield 8·40 lakhs; (5) that a railway terminal tax should be imposed, estimated to yield 2 lakhs; (6) in addition to the above, an income of 3 lakhs was estimated from land taken up for housing and expansion. As regards the terminal tax, while accepting the local Government's proposal that it should at first be levied only on passengers arriving in or leaving Calcutta to or from places more than 30 miles distant the Government of India decided to take power in the Act to impose a tax on persons arriving in or leaving Calcutta by rail or river steamer, to or from any place. The scheme further involved the raising of loans to the amount of 436 lakhs.

These proposals were laid before the Secretary of State in September 1907^a and were generally approved by him^b. With reference to the objections taken by the local bodies to the proposed constitution of the Board of Trustees, he considered that a body composed entirely of members appointed by Government could not be regarded as representative of the different interests of the community, and properly responsible to the tax-paying body, on which would fall the ultimate financial responsibility for its acts and expenditure, and he was therefore of opinion that a proportion of the Trustees should be elected by the Calcutta Corporation and perhaps by other public bodies. He also desired that both the Board of Trustees and the Government of Bengal should see that each project of the scheme was prepared with the closest attention to details, and that the former should proceed with great circumspection in the matter of acquiring lands in the suburbs of Calcutta for the expansion of the city as well as for the rehousing of persons who might be actually displaced by street improvements. The views of the Secretary of State were communicated to the Government of Bengal which was requested to submit a draft Bill giving effect to the scheme as approved by him. This was done in October 1908. The Government of India noticed that some of the clauses of the Bill were open to objections from certain standpoints and requested the local Government to revise it in order to remove the objectionable features. The Bill as finally revised by the local Government, and submitted to the Government of India in May 1910 has been approved by the Secretary of State and introduced in the Bengal Legislative Council.

(a) F. D. desp. no. 380, d. Sep. 26, 1907. | (b) Desp. no 14, (Rev.), d. Feb. 14, 1908.

6. On the annexation of Pegu in 1852 all the land on which the town of Rangoon and its suburbs stood was declared to be the property of

Rangoon Town Lands.

Government, and thereafter the proceeds of the sale of portions of the land were devoted to the purpose of laying out the town. On the constitution of the Rangoon municipal committee in 1874, it was decided that the administration of the town lands should remain with Government, but that the proceeds should be made over to the committee, subject to such restrictions as the Chief Commissioner thought proper. Later on a systematic programme of reclamation work was undertaken, and in 1902 the Government of India decided that the receipts from the land sale and rent fund should, instead of remaining available for general municipal purposes, be assigned to the reclamation fund for such period not exceeding fifty years as might suffice for the completion of the entire work of reclamation and for the liquidation of loans raised for this work; and that at the expiry of that period the receipts should revert to Government. The Government of India also directed that the municipal committee should contribute to the reclamation fund one half of the receipts derived from the taxation of the reclaimed area; and further that the municipality should in future be required to pay the full market value for all land which might be made over to it for municipal purposes. In spite of a protest by the committee and the Government of Burma against the orders relating to the municipal contribution, they were reaffirmed in 1904.

In September 1906 the municipal committee submitted a memorial addressed to the Secretary of State in which they appealed against the orders of 1902. They prayed—(1) that the rent of town lands should be applied to the reclamation scheme, and when no longer required for that purpose should be permanently assigned to the municipality; (2) that the reclamation should include the complete equipment of the reclaimed areas with roads, drains, water and lighting; (3) that the municipality should be allowed, free of charge, the use of any vacant town lands that might be required; (4) that the orders requiring the municipality to pay a portion of the taxes realized on reclaimed areas should be withdrawn.

After a careful consideration of the whole question the Government of India recommended to the Secretary of State—(1) that the proceeds of the Rangoon town lands, subject to a deduction of one-tenth or thereabouts on account of the land revenue assumed to be assessed on the lands, should be permanently allocated, as a local fund, for expenditure on local public works by the Government of Burma, or the municipal committee; (2) that the area reclaimed should be handed over to the committee complete with roads, drainage and water equipment; (3) that the orders passed in 1902 to the effect that the municipality should, in future, be required to pay the full market value for all land which might thereafter be made over to it for municipal purposes should be cancelled and that the municipality should be restored to the position occupied by other local bodies in respect of the grant of land, either free or on favourable terms; and (4) that the orders requiring the municipality to contribute to the reclamation fund one half of the proceeds from the taxes raised in reclaimed areas should be cancelled.

The Secretary of State accepted the second, third and fourth of these recommendations³. As to the first proposal, he pointed out that it was based

(a) H. O. desp. No. 1, d. Jan. 14, 1909.
(b) Desp. No. 53-Rev., d. May 14, 1909.

on a general proposition which he was not prepared to accept, *viz.*, that the State may properly assign in perpetuity to rising cities for local objects, irrespective of their ascertained needs, the proceeds or rents of State lands lying within their limits; and that in the case of Rangoon the proposal implied the creation of an endowment for the town, at the close of the reclamation operations, consisting of an estimated surplus of £333,000 down and an annual increase of £93,000. This he observed would constitute a measure of assistance at the general expense far exceeding that given to Bombay or Calcutta. He was nevertheless willing to give the committee an undertaking that, on the completion of the reclamation scheme, an assignment of Rs. 3,00,000 a year, provided that the net annual proceeds reached this amount, would be made from the town lands fund to municipal revenues for expenditure on large public works, and that applications for further assistance for such purposes would be dealt with in a liberal spirit, regard being had to the needs and finances of the town.

7. In May 1876 the Secretary of State agreed to the classification of
 Pensionary status of vaccinators. vaccinators employed by municipalities
 and cantonment committees as Govern-

ment servants and to their being granted pensions and gratuities from general revenues. This concession was subsequently extended to vaccinators paid from all local funds. On a reconsideration of the matter in 1906 the Government of India decided that vaccinators should be placed on the same footing as other local fund employés and in their resolution of the 27th November 1906 they directed—

- (1) that for the future vaccinators should not be enrolled as servants of Government, or be employed as a provincial establishment;
- (2) that vaccinators subsequently employed by local bodies should be wholly under their administrative control, and should be on the same footing as other local employés; and
- (3) that existing incumbents should retain their present rights to pension from Government where such rights existed.

Subsequently, at the instance of the Government of Burma, the Government of India directed that vaccinators employed in rural areas in Lower and Upper Burma, who are paid from district cess and provincial funds respectively, should be exempted from the scope of the orders contained in this resolution. They also ruled, at the instance of the Government of Eastern Bengal and Assam, that the orders in question should apply only to vaccinators and not to the supervising staff of superintendents, deputy superintendents, inspectors and sub-inspectors of vaccination.

In February 1909, in deference to the strongly expressed views of the Governor in Council, the Government of India agreed that the arrangements prescribed by the resolution of the 27th November 1906 should in the first instance be introduced experimentally in a few districts only, instead of throughout the whole of the Bombay Presidency^a.

In March of the same year a proposal of the Punjab Government to extend the principle laid down in the above-mentioned resolution to superintendents of vaccination in the Punjab, who are paid out of local funds, was sanctioned, subject to the condition that existing incumbents who were on a pensionable basis should retain their present rights to pensions from Government^b.

(a) H. D. letter no. 24, d. Feb. 17, 1909.

(b) { Punjab letter no. 144-M. & S., d. Feb. 17, 1909.
 H. D. letter no. 64, d. Mar. 26, 1909.

In reply to an inquiry made by the Government of Bombay in July 1909, the Government of India directed that, in view of the fact that the effect of the administrative transfer carried out by the City of Bombay Police Charges Act, 1907, was to throw the whole charge of the Bombay City vaccination establishment on to the municipality, the principle laid down in the resolution of the 27th November 1906 should be applied to the supervising officers as well as to the vaccinators proper in the city of Bombay. It was explained that if the superintendent and the assistant superintendent had been appointed subsequently to the 27th November 1906 and did not form part of a provincial establishment, they should be regarded as servants of the municipality; but that if they were the "existing incumbents" at the date of the resolution or had been appointed subsequently as part of a provincial vaccination establishment, they should continue to be treated as on "foreign service" of the third kind and be exempted from contribution for leave and pension under note 2 to article 795 of the Civil Service Regulations.

8. In February 1908 the Lieutenant-Governor of the United Provinces represented that, owing to the increasing burden of revenue and magisterial work, and the fact that the importance of the large centres of population had grown as rapidly as their trade and industry had expanded, it was desirable in the interests both of the general administration and of the Municipalities themselves to separate the functions of the District Magistrate from those of the municipal chairman in certain towns. He was convinced that the time had come when this separation should be carried out in Cawnpore and Allahabad. Both the Chamber of Commerce and the Cawnpore Municipal Committee supported the proposal for the appointment for five years of an officer of the Indian Civil Service as whole-time official chairman on a salary rising from Rs. 1,200 to Rs. 1,600. His Honour asked, however, that the Cawnpore municipality might be exempted from paying the leave and pension contributions of this officer. The proposal was sanctioned and it was added that the Government of India would have no objection to a similar concession being extended to the Government officer who might hereafter be lent to the Allahabad municipality as chairman.

9. In 1906 in consequence of the serious state of affairs in the Moulmein municipality the Lieutenant-Governor of Burma abolished the elected Committee and instituted in its place a Committee nominated by the local Government. The municipal fund was practically bankrupt, the state of the municipal hospital thoroughly unsatisfactory, the sanitation of the town disgraceful and the state of the roads and the lighting of the streets equally bad. In fact the administration of the committee had during the 18 years preceding been a constant anxiety to the local Government and a perpetual stumbling block in the progress of the town. In February 1909 the Lieutenant-Governor pointed out the imperative necessity for the appointment of a separate officer as President of the Committee, who would reorganize the finances, reform the services and supervise large and urgent measures of reclamation and sanitation. His Honour recommended the deputation for two years of an officer of the Burma Commission of the rank of Deputy Commissioner or senior Assistant Commissioner, who would ordinarily be officiating as Deputy Commissioner, to perform the duties of President. He recommended also that the officer should be allowed to draw the salary which he

(a) { U. P. letter no. 1011—XI, d. Feb. 14, 1908.
H. D. letter no. 65, d. Mar. 25, 1908.

would be drawing in the regular line if he had not been so deputed, and that no charge should be made against the municipal fund on account of his deputation^a. The proposals were sanctioned in April 1909^b.

10. In 1906, the Government of Bombay submitted for approval a scheme for the drainage and water-supply of the city of Poona. His Excellency the Governor in Council appointed a committee to consider the financial side of the question, on which the Government of India desired further information, and after considering the committee's report applied in February 1909 to the Government of India for sanction to the grant to the municipality of a loan of Rs. 12 lakhs repayable in 40 years and for a subvention of Rs. 3 lakhs from Imperial revenues for the scheme. The total cost of the scheme was estimated at Rs. 20 $\frac{3}{8}$ lakhs, and the local Government proposed that the expenditure should be met by, (a) a loan of 12 lakhs, (b) a provincial subvention of 6 lakhs and (c) an Imperial subvention of 3 lakhs.^c The scheme was considered by the local Government to be one of more than local importance and of the greatest urgency, as it was likely to afford valuable evidence of the effect of sanitary improvements on enteric epidemics and on the health of the troops in the Poona cantonment, the largest military station in the Presidency. While admitting the importance of the scheme, the Government of India regretted that in the present state of their finances it was quite impossible for them to make a grant-in-aid of Rs. 3 lakhs, and they suggested for the consideration of the Governor in Council that a loan of Rs. 13 lakhs repayable in 60 years, instead of 40, would possibly enable the municipality to finance the scheme without direct assistance from Imperial revenues^d.

The Government of Bombay were unable^e to accept the above suggestion. They decided however to raise the provincial subvention from 6 to 8 lakhs and requested the Government of India to sanction a loan of Rs. 10 lakhs bearing interest at 4 per cent per annum and repayable in 40 years, which was in the local Government's opinion the utmost burden that the municipality could equitably be called upon to bear. In April^f 1910 the Government of India sanctioned the loan on the terms proposed.

11. In September 1907 the Government of India asked the several local Governments and Administrations, (except Madras and the United Provinces, where municipalities had already been relieved of such charges), to submit proposals for relieving municipalities in those provinces of charges hitherto borne by them on account of the police employed within their limits. As the result of this reference all district municipalities in Bombay, Bengal, and Eastern Bengal and Assam were entirely relieved of the charges in question with effect from the 1st April 1908, annual assignments being made from Imperial funds to compensate provincial revenues for the additional burden thus thrown upon them. Similar relief has been promised to municipalities in the Punjab and the North-West Frontier Province as soon as the financial position renders this step possible as well as to certain municipal areas under the Foreign Department and to certain bazar funds in Baluchistan. The Government of Burma reported that it had already relieved its municipalities of police charges. In 1909 the Government of Bombay proposed to relieve certain civil station

(a) Burma letter no. 1125—S.A-14, d. Feb. 23, 1909.

(b) H. D. letter no. 67, d. April 7, 1909.

(c) Bombay letter no. 7223, d. Dec 5, 1908.

(d) H. D. letter no. 30, d. Feb. 26, 1909.

(e) Bombay letter no. 968, d. Feb. 24, 1910.

(f) H. D. letter no. 43, d. April, 19, 1910.

funds in Kathiawar of all charges on account of police. The Government of India were unable to make any assignment from Imperial revenues for the purpose, but remarked that there was no objection to the immediate grant of the relief, if the Bombay Government could provide the necessary funds.

As has been mentioned in Chapter IV, an Act of the Bombay Government passed in 1907 relieved the Bombay Corporation of all charges on account of police, and provided that by way of compensation, the corporation should take over corresponding liabilities in connection with certain medical institutions, with public vaccination, and with primary education.

12. At the instance of the Manchester Chamber of Commerce, the Secretary of State asked^a the Government of

Taxation.

India, in May 1906, for a report upon

the procedure observed at Rawalpindi in the examination of goods passing the octroi barriers which was objected to on the ground that the opening of packages necessitated the attendance of the owner or his representative and caused needless damage and depreciation of value and occasionally actual loss. The Chamber also suggested that octroi should be abolished as soon as possible. The Secretary of State accordingly enquired whether the Government of India had any observations to make on the general question of octroi as a form of taxation in Indian municipalities. The Government of India after enquiry reported^b that the complaint put forward by the Chamber of Commerce was without material foundation, and that the administration of octroi at Rawalpindi was in conformity with the principles laid down by them on the subject. They also observed that the general abolition of octroi as a form of taxation in Indian municipalities was not in the existing circumstances within the sphere of practical politics.

In December 1907 the Government of the Punjab forwarded a memorial from the Punjab Trades Association regarding the enhancement of the rates of octroi in Simla. While the matter was under consideration the Secretary of State forwarded to the Government of India a copy of a letter from the Birmingham Chamber of Commerce in support of this memorial and asked to be informed of the orders passed on the latter. The memorialists referred to the new octroi schedule of the Simla municipality and prayed (1) that octroi might be entirely abolished, or (2) that sea-borne goods which bear Imperial customs duty might be exempted and that the tax might not be levied on freight and charges, and (3) that the State, the public and the tradesmen might be placed on an equal footing, *i.e.*, that the State should pay octroi on Government stores, building materials, etc., and that the public and tradesmen alike should pay octroi on goods obtained through the Post Office. The Birmingham Chamber of Commerce urged that the rates now levied in Simla were contrary to the principles enunciated by the Government of India, the rate in many instances being doubled and in not a few quadrupled as compared with the original schedule. It also sought to raise the general question as to the suitability of octroi as a form of municipal taxation. An examination of the schedules showed that the rates levied did not exceed those prescribed by the Government of India in their resolution of September 1903; the Government of India saw no reasons to take exception to the new schedule because in some cases the new rates exceeded those levied under the old schedule, and they informed the Secretary of State accordingly. They also intimated to His Lordship that the memorialists had been informed that the Government of India saw no reason

(a) Desp. no. 91 (Rev.), d. May 11, 1906.

(b) H. D. desp. no. 28, d. May 23, 1907.

to reconsider their orders of September 1903 and February 1904, regarding the rates at which octroi should be levied, nor were they prepared to entertain the proposal that the State should pay octroi on Government stores, etc., in Simla, for the reason that it had already contributed very largely to the finances of the municipality in connection with the improvement of the town; and that the question of paying octroi on goods obtained through the Post Office would be further considered in connection with the general question of municipal taxation in Simla."

In October 1908 the Government of the Punjab forwarded a further memorial from the Punjab Trades Association on the latter subject in which they urged that the admission of postal parcels free of octroi into any town where octroi was otherwise levied, was an injustice to the local trades and to all those who were unable to avail themselves of the opportunity of avoiding octroi offered by the Post Office. It was further intimated in April 1909 that the Government of the Punjab and the Simla municipal committee, on financial and other grounds, supported the views of the Trades Association. In the absence, however, of any estimate of the loss to municipal revenues caused by the exemption of postal parcels from octroi duty, the Government of India found themselves unable to arrive at any decision on the question and arrangements were therefore made with the post office for the collection, during the season of 1910, of statistics to show the financial importance of the question.

In September 1909 the Government of India received the report of a committee appointed by the Government of the United Provinces, in a resolution dated the 7th October 1908, to enquire into the working and effect of octroi taxation in the province, which was accompanied by important proposals of the local Government for the gradual abolition of octroi and its replacement by other forms of taxation. The matter is still under the consideration of the Government of India.

In February 1908 the Government of India had sanctioned, as an experimental measure for a period of three years, the re-imposition by the Benares municipal board of a tax on visitors coming to Benares by rail in the form of a surcharge on railway tickets, subject to the exemption of all passenger traffic within a radius of 40 miles from the city. During the year 1909 the Government of the United Provinces, at the instance of the Government of India, exempted from the payment of this tax all persons in military employ proceeding to Benares on duty.

In November 1909 the Government of the Punjab submitted proposals for the levy of a conservancy tax in lieu of the servants' tax and for the enhancement of the dog tax in the Simla municipality. The Punjab Government also expressed its desire to levy a visitor's tax as recommended by the Improvements Committee although the Simla Municipal Committee were opposed to it; and asked for the views of the Government of India with regard to the tax. In February 1910 the Government of India sanctioned the proposals regarding the conservancy and the dog taxes. With regard to the visitors' tax they observed that they would prefer to postpone consideration of the question until the effect of the taxes to be introduced and the financial position of the municipality became sufficiently clear to enable them to judge of the need for its imposition.

(a) { H. D. letter no. 123, d. July 16, 1908.
H. D. despatch no. 34, d. July 23, 1908.

13. In October 1905 the Government of Bengal submitted proposals to ~~propose~~ district boards and municipalities to provide their employees with free medi-

Miscellaneous.

cal attendance and to allow Government medical officers to receive allowances from local bodies for undertaking such attendance. The Government of India declined to sanction these proposals, considering them to be open to serious objection and likely, if adopted, to give rise to various difficulties.

The investigation of the Delhi municipal accounts by the local fund auditors having revealed serious irregularities and defalcations the Government of the Punjab, at the request of the Delhi municipal committee, appointed a member of the Indian Civil Service of the rank of Assistant Commissioner as Secretary to the committee for a period of five years with effect from the 1st September 1906 and obtained the sanction of the Secretary of State to the grant to him of a local allowance of Rs. 50 a month.

In December 1909 the Government of India at the request of the Government of the Punjab sanctioned the extension of the provisions of the Provident Funds Act, 1897, to the provident funds established by district boards and municipalities in the Punjab.

In March 1910 the Government of India sanctioned for a period of two years in the first instance the deputation of an officer of the Indian Civil Service and an officer of the Public Works Department in connection with a scheme for the development of Salsette as a residential area with the object of relieving congestion in the city of Bombay. It was the expectation of the Government of India, in giving sanction for a restricted period, instead of indefinitely as proposed by the local Government, that the necessary preliminaries in connection with the scheme would be settled before the expiration of that period and that they would then be in a position to judge of the necessity for recommending a continuance of the deputation to the Secretary of State.

(b) DISTRICT AND LOCAL BOARDS.

14. In January 1906 the Government of India sanctioned the grant, under the Emergency Loans Act of 1897, of a loan of Rs. 50,000 to the Salem district board and in February of the same year they agreed to grant to the Bellary district board a loan of Rs. 60,000, to meet expenditure in connection with plague preventive measures.

Loans.

15. The amendment of the Bengal Local Self-Government Act of 1885 had been under consideration since 1903. Various amending measures had been submitted for the approval of the Government of India, and these were finally included in a bill and accepted by the Government of India in May 1905, subject to certain modifications. The amended law conforms to modern requirements, and has for its chief objects the legalizing of expenditure on veterinary objects, the imposition of tolls on newly constructed bridges, and of a special railway cess the proceeds of which will pay the interest on loans taken for the construction of railways and tramways or sums guaranteed by the boards as interest on capital so expended; it also enlarges the discretion of the boards in the application of the funds at their disposal and strengthens the position of divisional commissioners in relation to the boards.

Legislation.

(a) { F. D. desp. no. 188, d. Apr. 25, 1907.
Desp. no. 36 (Judl.), d. June 28, 1907.

In November 1908 the Chief Commissioner of the Central Provinces submitted two draft Bills to amend the Central Provinces Local Self-Government Act, 1883, and the Central Provinces Village Sanitation Act, 1902. The object of the first Bill was to extend the functions and increase the sphere of usefulness of District Councils by granting to them, within certain necessary limits, the power to create "village markets," to impose taxation in them, and to provide for their control. The second Bill had for its main object the amendment of Section 12 of the Village Sanitation Act, 1902, which provides for the suspension, in areas to which the Act is extended, of the authority of the District Council or Local Board in respect of all matters made over to the management of the village panchayat established under the Act. The Bill proposed to empower the local Government either to maintain or suspend the authority of the Councils and Boards as may be found convenient. The Government of India accepted the second Bill but communicated certain observations with regard to the first Bill and asked the Chief Commissioner to revise the draft in accordance with those observations. The revised draft Bill is still awaited.

In September 1909 the Chief Commissioner of Coorg submitted certain proposals for the revision of the "Mohatarfa" tax in Coorg, which is a house-tax levied upon non-agriculturists in rural areas, with reference to the class of occupants and not the size or value of the house occupied. The Government of India after carefully considering the matter suggested certain amendments in the Coorg District Fund Regulation, 1900, and the Coorg Land and Revenue Regulation, 1899, which would meet the objects in view and asked the Chief Commissioner to submit a revised draft regulation if the suggestions met with his approval.

16. In December 1909 the Government of India, at the request of the Government of the United Provinces, extended the provisions of the Provident Funds Act, 1897, to all provident funds established by district boards in those provinces.

Miscellaneous.

CHAPTER XII.

MEDICAL.

1. (a) On the recommendation of the Government of India the Secretary of State sanctioned, in October 1906, the creation in Eastern Bengal and Assam of the appointments of Inspector-General of Civil Hospitals, Inspector-General of Prisons, and Sanitary Commissioner, on Rs. 2,250, Rs. 1,800 and Rs. 1,500—60—1,800 respectively.^a

(b) In October 1906 the Government of Bengal inquired whether the Government of India would consider proposals for the complete separation of the cadres of medical officers in Bengal and Eastern Bengal and Assam. On examining the question Lord Minto's Government came to the conclusion that the officers on the supernumerary list in Bengal would be placed in a very unfavourable position in respect of their confirmation if the cadres of the two provinces were separated immediately. They pointed out to the local Government that certain of the officers who were sent from Bengal to Assam under the orders of 1896, which imposed a liability to serve in the latter province for five years upon all Indian Medical Service officers belonging to the Bengal cadre, ought to be allowed, if they desired, to return to Bengal, and that the claims of certain other officers who were transferred to the new province at the time of its creation must also be considered. They added that, if the cadres of the two provinces were separated immediately and if vacancies existing in Eastern Bengal and Assam were filled up from the supernumerary list of that province, confirmation would be abnormally rapid in the new province and unduly slow in Bengal. It was essential, they considered, that the state of the case should be fully explained to the supernumerary officers in Bengal who had joined the province before the partition and that they should be offered confirmation in the vacant appointments in the new province on the understanding that acceptance would involve a permanent transfer.^b

The Government of India were informed in April 1908 that none of the supernumerary officers in Bengal were willing to accept permanent appointments in Eastern Bengal and Assam, but that the cadres of Indian Medical Service officers in the two provinces could be separated immediately without detriment to their interests in Bengal, if some of the officers transferred from Bengal to the new province were permitted to revert at once or were confirmed in that province.^c They therefore arranged for the reversion of those supernumerary officers and sanctioned, in September 1908, the complete separation of the cadres.^d In June 1908 they authorised the Government of the new province to retain the services of not more than two commissioned medical officers as supernumeraries.^e

(c) In April 1907, the local Governments and Administrations and the Foreign Department were asked to examine carefully the lists of Indian Medical Service officers employed under them and to prepare statements showing the actual appointments from which they would be prepared to withdraw such officers in order to meet the demand of the military authorities in the event of a mobilisation of the army. They were asked to deal with this question in a liberal spirit, in spite of the fact that the services of all military assistant sur-

(a) { F. D. desp. no. 325, d. Sep. 13, 1908.
Desp. no. 152 Pub., d. Oct. 26, 1906.
(b) H. D. letter no. 515, d. June 14, 1907.

(c) Bengal letter no. 947, d. Apr. 15, 1908.
(d) H. D. letter no. 1008, d. Sep. 1, 1908.
(e) H. D. letter no. 615, d. June 5, 1908.

geons and of all military hospital assistants in civil employment must be replaced at the disposal of the military authorities in time of war or other emergency^a. The statements which they submitted showed that they were prepared to withdraw from civil appointments 171 Indian Medical Service officers in all in the event of a mobilisation of the army. In view of the fact that the contingency for which provision had to be made was an extraordinarily serious emergency, the Government of India decided, after very careful consideration, that this number should be raised to at least 327, including the 20 officers recruited for plague duty in the Punjab. They informed the local Governments and Administrations accordingly in February 1909, but left it entirely to their discretion to determine the stations or appointments from which officers were to be withdrawn^b. A scheme providing for the withdrawal of the required number of officers by batches was afterwards prepared and circulated to the local Governments.

(d) In view of a resolution passed at the Sikh Educational Conference held in April 1908, orders were issued that Sikh officers of the Indian Medical Service, who wished to do so, might keep their hair long and wear a pugree with uniform. Similar orders were issued by the War Office, on a representation made through the Secretary of State for India, regarding Sikhs admitted to the Indian Medical Service, while undergoing their probationary courses at the Royal Army Medical College and the Royal Army Medical Corps Dépôt.^c

(e) In February 1909 the notes on the form of annual confidential report on medical officers in civil employ were revised so as to make it clear that local Governments must communicate, or direct their administrative medical officers to communicate, *verbatim*, to the officers reported on any adverse remarks, whether made by their administrative medical officers or by themselves. The local Governments were at the same time asked to communicate to Indian Medical Service officers in civil employ any adverse remarks, likely to prejudice their prospects of promotion or advancement, made in reports other than the annual confidential reports.^d

(f) In August 1908 the Government of India proposed to the Secretary of State that when any of the following appointments, namely, Health Officer to the Municipalities of Madras and Rangoon, Curator of the Herbarium, Calcutta, and Superintendent of the Natural History Section of the Indian Museum, Calcutta, were held by officers of the Indian Medical Service they should be treated as cadre appointments for the time being, and recruited for in the ordinary way, the leave and casualty reserve being increased proportionately.^e The Secretary of State, in view of his general decision regarding the civil cadre of the Indian Medical Service, was unable to sanction this proposal unless the Government of India were prepared, when one of these appointments was held by an Indian Medical Service officer, to effect a corresponding reduction of one civil appointment elsewhere^f. In consequence of this decision the Government of Madras were asked to arrange at their convenience to withdraw the officer of the Indian Medical Service holding the appointment of Health Officer to the Madras Corporation or to transfer one appointment on their civil medical cadre to an assistant surgeon or to a private practitioner^g. The Government of Madras accordingly transferred the Health Officer to the ordinary civil cadre in the beginning of 1910^h.

(a) { H. D. letter nos. 372-79, d. Apl. 29, 1907.
" memo. no. 380, d. Apl. 29, 1907.

(b) H. D. nos. 178-98, d. Feb. 24, 1909.

(c) Des. no. 184-Mily., d. Oct. 9, 1908.

(d) H. D. letter nos. 202-10, d. Feb. 26, 1909.

(e) D. M. S. des. no. 55, d. Aug. 6, 1908.

(f) Des. no. 7-Mily., d. Jan. 22, 1909.

(g) H. D. letter no. 305, d. Mar. 20, 1908.

(h) Madras letter no. 172, d. Feb. 28, 1910.

(g) In June 1909 the Government of Burma represented that the number of Indian Medical Service officers actually available for civil surgeoncies in that province was very small compared with the number available in other parts of India. The Lieutenant-Governor, therefore, requested that the Government of India should investigate the question of the number of officers of that service available for civil surgeoncies in the different provinces with a view to the allotment of a larger number of officers to Burma. The Government of India undertook to consider the question carefully when they had received the replies of all local Governments to the reference made to them regarding the proposed reduction of the civil cadres of the Indian Medical Service.^a

(h) In April 1906 the Government of Lord Minto proposed to the Secretary of State to reserve the post of Senior Medical Officer at Port Blair, in view of the administrative nature of the duties attached to it, for an officer of the Indian Medical Service of or above the rank of major; to select the officer, if possible, from the jail department; to fix the tenure of the appointment at five years, subject to extension for a further period of two years, if the holder was willing to remain and if it was considered desirable that he should do so; and to raise the pay from Rs. 1,200 to Rs. 1,500 a month, a sum which appeared to them sufficient to attract a major of three years' service who was superintendent of a central jail in India and which would permit him to return to India as a lieutenant-colonel in the jail department without any serious reduction in his emoluments. The Secretary of State agreed to the arrangements and to the scale of pay proposed.^b

(i) The appointment of Principal Medical Officer, Sind District, hitherto reserved for the Indian Medical Service, has now ceased to be so reserved, and in view of the fact that civil medical administration demands a knowledge of the people and their ways which officers of the Royal Army Medical Corps cannot be expected to possess, the Government of India were of opinion that the present arrangement for the discharge of the dual administrative duties by the Principal Medical Officer could no longer be maintained. They therefore considered it desirable that the civil should be completely separate from the military duties and, in January 1906, asked the Government of Bombay whether the former could not at once be placed under the direct control of their Surgeon General.

2. The Governments of Bengal and Eastern Bengal and Assam submitted in

Assistant Surgeons.

1908 memorials from civil assistant surgeons employed in those provinces in which they prayed that their pay and position might be improved. The local Governments represented that a general feeling of dissatisfaction with their present pay and prospects had been known for some time to prevail among the members of this service. They considered that their chief ground of complaint—their comparatively low rate of pay—was reasonable, and expressed the belief that if this were improved the service would be more attractive and the members of it would be satisfied. Lord Minto's Government agreed that steps ought to be taken to remove the discontent and dissatisfaction which existed, but they were inclined to doubt whether the general increase of pay recommended would be any more likely to bring about permanent satisfaction than the changes introduced in 1898 in the conditions of service of civil assistant surgeons. The main cause of discontent and of the unpopularity of the service appeared to them to be the fact that these officers were recruited for service in all parts of the province and were consequently

(a) { Burma letter no. 1521-M., d. June 30, 1909.
H. D. letter no. 877, d. July 24, 1909.

(b) { F. D. des. no. 124, d. Apr. 26, 1906.
Des. no. 88-Pub., d. June 29, 1906.

liable to frequent transfers. They noticed that, under existing arrangements, men might be transferred from stations where they had built up private practices to stations where they could obtain much less private work, or in which at least they had to renew from the outset their efforts to establish a private connection, and that such transfers might be made possibly for no other reason than that other members of the service might have an equal chance. They were, therefore, disposed to think that efficiency and contentment were only to be expected if the conditions of employment were radically altered, and that it was perhaps advisable to break up the whole service and to appoint individual graduates of the Calcutta University to each of the posts allotted to civil assistant surgeons. Both the local Governments were strongly opposed, so far as the mufasal was concerned, to the scheme suggested. They urged, and Lord Minto's Government felt bound to accept their opinion, that the liability to transfer was not the principal cause of discontent among civil assistant surgeons. Apart from this, the local Governments objected to the scheme on the following grounds, *viz.*, (i) that so far as could be ascertained there was no desire on the part of private practitioners or of men already in the service to obtain, or to continue in, the appointments now held by civil assistant surgeons, except as members of a regular Government service with prospects of a pension; (ii) that the amount of Government work allotted to the average assistant surgeon was so considerable that it would be extremely undesirable to make these appointments over to persons with whom private practice would be the first consideration; (iii) that it was important to have for medico-legal work men who were independent of the local public and in whom Government could have confidence; and (iv) that private practitioners could not be obtained for the outlying and unremunerative stations. The Government of India could not but admit the force of these objections, and were constrained to believe that the introduction of the scheme, in the form in which they had propounded it, might result in a serious loss of efficiency in district administration. They therefore considered that the main feature of the scheme must be abandoned definitely for the present, but they decided that 15 appointments of House Surgeon and House Physician at the various hospitals in Bengal should be withdrawn from the cadre of civil assistant surgeons, and that Government should cease, in future, to provide civil assistant surgeons for private dispensaries in that province.

The Government of India agreed with the local Governments that the concessions made to civil assistant surgeons in 1898 were not of any very great importance. Although unemployed pay (Rs. 50 a month) was then abolished and the creation of a senior grade on Rs. 300, limited to 10 per cent of the cadre, was sanctioned, the grade pay drawn by the vast majority of the service was left untouched. For all but the senior grade the rates of pay fixed so long ago as in 1849 were still in force, and, while it was generally agreed that the private practice of Government medical officers of this grade had diminished greatly owing to the larger number of medical men, more or less qualified, with whom they had to compete, it was a matter of common knowledge that the standard and cost of living in the classes from which assistant surgeons were drawn had risen and were still rising. After carefully considering the representations made by the local Governments, the Government of India came to the conclusion that there was no need to increase the pay of civil assistant surgeons holding civil surgeoncies, or to raise the pay of the senior grades to any marked extent, but that a considerable increase was necessary in the lower grades. They therefore recommended to the Secretary of State that a regular time scale rising

from Rs. 100 after two years' service by annual increments of Rs. 10 to Rs. 300 a month should be introduced for civil assistant surgeons in Bengal and that men selected for the senior grade should be paid Rs. 325 and Rs. 350 a month.

3. In April 1906 the Government of Bengal forwarded a petition from the

Sub-Assistant Surgeons (formerly civil hospital assistants.)

civil hospital assistants serving in the province regarding their pay and prospects.

Before they had considered it, however, the Government of India were informed that similar representations were either being prepared, or had been actually submitted, by hospital assistants belonging to the other provincial establishments. They accordingly asked the other local Governments and Administrations to forward them with an expression of their views on the points raised.

In August 1909 they informed the local Governments that after considering their proposals they had decided that it was unnecessary and undesirable that a uniform scale of pay should be retained for the whole of India, as any scale which might be adopted would almost certainly be too high in certain provinces and might be too low in others. At the same time they thought—in view more particularly of the fact that the conditions of service in civil employ must affect recruiting for the corresponding military service—that uniformity should be retained in the grading of civil hospital assistants and that a maximum scale of pay should be fixed, ranging from Rs. 30 to Rs. 100, with, in the case of Burma, the Burma allowance already sanctioned. They considered that the promotion of hospital assistants from the fourth to the first grade should be by seniority subject to passing examinations under the orders of provincial Governments, and that promotion from the first to the senior grade and within that grade should be by selection. They authorised local Governments at their discretion to sanction the provision of free quarters or the payment of house rent allowance to hospital assistants not holding sanctioned appointments, and also to grant, if they thought fit, allowances not exceeding Rs. 10 a month to men who were absent from their own headquarters on duty connected with epidemic diseases. They asked local Governments to furnish them, in the event of their sanction or that of the Secretary of State being required, with proposition statements showing the exact financial effect of recruiting civil hospital assistants in the manner indicated and on the rates of pay which, subject to the maximum fixed by them, the local Governments might decide to adopt, and they subsequently sanctioned a revision, on this basis, of the pay of civil hospital assistants in several provinces. In April 1910 they decided that these officers should be styled in future 'sub-assistant surgeons'.

The Government of Burma represented, in June 1907, that it experienced great difficulty in filling vacancies in its establishment of civil hospital assistants. It therefore requested the Government of India to arrange for the permanent transfer of medical officers of this grade from other provinces, if men willing to accept transfer could be found, or to lend military hospital assistants for employment on civil duties in Burma. The Government of India replied that it was improbable that men willing to be transferred from other provinces could be found, and that, owing to the shortage of military hospital assistants, the other alternative could not be adopted. They suggested, however, that an attempt should be made to secure men passing out from medical schools in other provinces by making known to them, through the superintendents of those schools, the terms offered to hospital assistants in Burma. They added that if a sufficient number of men could not be obtained

in this way they would be prepared to call for volunteers from among the private students of Government medical schools who were in their final year of training, and to offer, on behalf of the local Government, if it agreed to the adoption of this course, bonuses equivalent to the estimated expenditure of students at each school, but not exceeding Rs. 500, to be paid when the accepted candidates signed the usual agreement.^a The Government of Burma intimated, in April 1903, that its attempts to secure students from medical schools in other provinces had failed and it accepted a proposal made by the Government of India in 1907 to offer to accepted candidates among the private students in Government medical schools in India who were in their final year of training, a bonus equal to the estimated expenditure of medical students at those schools, but not exceeding Rs. 500. The Director General, Indian Medical Service, was asked to address the superintendents of the various medical schools, and to secure, if possible, 20 suitable candidates for the civil medical service in Burma.^b

4. In October 1905, the Secretary of State sanctioned the proposals made

Pasteur Institutes.

by Lord Curzon's Government to appoint an officer of the Indian Medical

Service to the charge of the Pasteur Institute of Southern India at Coonoor on the scale of salary approved for bacteriological appointments and to recruit an additional officer for the Indian Medical Service. In February 1906, the Government of Lord Minto proposed to the Secretary of State the appointment of a successor to Lieutenant-Colonel D. Semple, R.A.M.C. (retired), in the post of Director of the Pasteur Institute at Kasauli and the employment of additional medical officers as Assistants to the Directors at Kasauli and Coonoor. The need for the latter officers had clearly made itself felt. The Government of India recommended that all these officers should be granted salary on the scale sanctioned for the bacteriological department, and that in the case of the additional officer at Kasauli the Committee of the Institute should contribute the staff allowance. They also asked for permission to recruit three additional officers of the Indian Medical Service if their proposals were approved. The Secretary of State sanctioned these proposals in April 1906.^c Captain J. W. Cornwall, I.M.S., who had undergone a course of instruction at the Pasteur Institute in Paris and a further practical training at Kasauli, was appointed to be the first Director of the Coonoor Institute.^d The Central Committee of the Kasauli Institute having represented the great importance of early treatment in cases of dog-bite and the inability of the poorer classes of the community to meet the expenses of the railway journey to Kalka, the Government of India, after consulting local Governments and Administrations, issued, in December 1906, detailed instructions authorising the grant of certain concessions in the matter of travelling expenses, etc., to the poorer classes of Government servants and to indigent persons unconnected with the public service in order to enable them when bitten by a rabid animal to proceed without delay to either Institute for treatment.^e

In June 1907, the Government of India decided that Government servants drawing not more than Rs. 100 a month and indigent persons unconnected with the public service who proceed to the Pasteur Institute at Kasauli or at Coonoor for treatment should be granted, in addition to the concessions

(a) H. D. letter no. 1175, d. Oct. 25, 1907.

(b) H. D. letter no. 597, d. June 2, 1908.

(d) H. D. letter no. 597, d. July 18, 1908.

(e) H. D. letter nos. 1087-1098, d. Dec. 19, 1906.

(c) { F. D. desp. no. 32, d. Feb. 1, 1908.
Des. no. 70. (Rev.), d. Apl. 6, 1906.

specified in the rules issued in December 1906, the actual cost of any journeys performed by river and ocean steamers, not exceeding in the case of Government servants the amount admissible under rule.^a They also decided, in August 1907, that women, children under sixteen years of age, and men who were, by reason of age or other sufficient cause, incapable of travelling alone might be allowed, when eligible for the previous concessions, travelling expenses and maintenance allowance for an attendant at the rate sanctioned for patients; and also wages, not exceeding four anna a day, for an attendant, when the despatching officer was satisfied that the patient was unable to pay. As the accommodation at Kasauli was limited and difficulty had already been experienced in housing patients, they informed local Governments and Administrations that attendants should only be allowed when their services were absolutely necessary.^b

In July 1907 the Government of India circulated to local Governments and Administrations a brief memorandum of information, drawn up by their Sanitary Commissioner, for the guidance of patients proceeding to the Pasteur Institute at Kasauli for treatment, and suggested that copies should be circulated as widely as possible and that translations into the vernaculars should be hung in suitable public places.^c The Government of Madras were asked to circulate similar information regarding the Coonoor institute. In the same month that Government represented that it might be necessary to appoint some one to act for a Government officer who proceeded to a Pasteur Institute for treatment, more especially if he was in independent charge of a remote station. They therefore suggested that in such cases the officiating officer should be granted, for the period during which the absentee was on casual leave, the acting allowances admissible under chapter V of the Civil Service Regulations. The Government of India considered that when it was found necessary to appoint a substitute for the absentee it was reasonable that he should be granted additional remuneration, but thought it undesirable that casual leave should be recognised in the manner suggested. They therefore proposed to the Secretary of State that the period of absence up to one month should be treated as extra privilege leave in the comparatively few cases in which the appointment of a substitute was found to be inevitable. The Secretary of State agreed to this proposal.^d In July 1909 the Government of India authorised the grant to public servants drawing not more than Rs. 25 a month, while under treatment at a Pasteur Institute in India, of maintenance allowance at the rates of daily allowance admissible to officers of their class under the Civil Service Regulations, in addition to any concessions granted to them under the rules sanctioned in 1906.^e

In November 1907 the Government of Burma submitted a scheme for the establishment of a Pasteur Institute in that province. The Government of India fully recognised the necessity for affording facilities for Pasteur treatment in Burma, and noted with satisfaction the cordial support which had been accorded to the proposal by the general public. They were disposed, however, to think that the question should be reconsidered with reference to the general requirements of the province in regard to laboratory work. There was already an appointment of Chemical Analyser and Bacteriologist at Rangoon and the local Government had proposed that an officer should be appointed to combine the duties of police surgeon, pathologist, and bacteriologist. They therefore thought it desirable that a general scheme should be prepared dealing with and

(a) H. D. letter nos. 523-537, d. June 18, 1907.

(b) H. D. letter nos. 861-872, d. Aug. 9, 1907.

(c) H. D. letter nos. 780-790, d. July 31, 1907.

(d) { F. D. des. no. 389, d. Oct. 10, 1907.

{ Des. no. 169-Finl., d. Nov. 22, 1907.

(e) H. D. letter nos. 747-757, d. July 6, 1909.

co-ordinating all the requirements of Burma in the matter of laboratories, and providing for the Chemical Examiner, a provincial bacteriologist, the police surgeon and pathologist, with possibly a laboratory for municipal analyses, a vaccine depôt, and the proposed Pasteur Institute. They accordingly asked that the proposals for the Pasteur Institute might be reconsidered and resubmitted as part of a comprehensive scheme to provide for all the laboratory staff and accommodation which the province was likely to require in the near future.^a

The Government of Burma submitted revised proposals in August 1908. It then proposed that a combined Pasteur Institute, bacteriological laboratory and vaccine depôt should be built at Maymyo and that a smaller laboratory for chemical and medico-legal work should be provided in Rangoon. The Lieutenant Governor considered that the province required a bacteriological laboratory and that it would be a great advantage if the vaccine depôt were transferred from Meiktila to the cooler climate of Maymyo. He proposed that the institutions to be located at Maymyo should be placed in charge of a Director and an Assistant Director, both commissioned medical officers. He urged that, if the whole scheme could not be accepted as it stood, the proposal to construct a Pasteur Institute should be considered as a separate project, as the general public who had already subscribed almost Rs. 1,10,000 were anxious that the money should be utilised for the purpose for which it was given as quickly as possible. Lord Minto's Government approved of the revised scheme generally, but thought that a civil or a military assistant surgeon ought to be substituted for the second commissioned medical officer proposed by the Government of Burma, and were unable to agree to a proposal made by the local Government that they should make a grant towards the support of the Pasteur Institute from imperial civil revenues. They decided also that if the institute was established, the Government of Burma should be instructed to give it a fixed annual grant instead of undertaking, as it proposed, to make good the actual difference between the expenditure and the income of the Institute. Subject to these modifications, they recommended the scheme for the Secretary of State's sanction. Lord Morley was not satisfied that a convincing case had been made out for the establishment of a separate Pasteur Institute in Burma, and, in view of the straitened condition of the provincial finances of Burma and as there was no guarantee that the whole initial capital outlay on the proposed Pasteur Institute would be fully covered by subscriptions and that private effort would co-operate adequately in the maintenance of the institution, he was unable to sanction the proposals submitted to him.^b

In August 1907 the Government of India addressed the Secretary of State regarding the financial assistance to be given to the Pasteur Institute at Coonoor and the arrangements which had been made for its management and maintenance. They agreed with a proposal of the Government of Madras that the charge on account of the staff salary, as well as of the grade pay, of the Assistant Director of the Institute should be borne by Government in the first instance, and they proposed that a grant of Rs. 3,500 a year should be made to the Institute from imperial revenues. The Secretary of State sanctioned this proposal in October 1907, but did not agree that the Government of Madras should be allowed to pay, out of the provincial revenues, the difference between the income and expenditure of the Institute. He considered that the local Government should make it a fixed annual grant, based on a careful

(a) H. D. letter no. 260, d. Feb. 21, 1908.

(b) { F. D. des. no. 48, d. Apl. 1, 1909.
Des. no. 60-Rev., d. May 28, 1909.

estimate of the probable receipts from all other sources and of the total sum which would suffice to enable the Institute to work upon economical lines, the grant being subject to revision after three or five years, and that the Committee of the Institute should be required to keep their expenditure within their income so aided and to incur additional expenditure within the period specified only if it could be met from increased receipts from other sources. He also thought that it would be better to charge the staff pay of the Assistant Director at Coonoor to the Institute, as at Kasauli, any deficit thus caused in the budget of the Institute being taken into account in fixing the grant from provincial revenues.^a In January 1908 the Government of Madras were asked to give effect to the Secretary of State's orders and to inform the Government of India of the amount of the annual grant which they proposed to make to the Institute from provincial revenues. In April 1908 that Government replied that, excluding the staff salary of the Assistant Director, the expenditure to be met by the Committee was estimated at Rs. 14,301 a year, and the receipts from all sources, including the contribution of Rs. 3,500 made by the Government of India, at Rs. 11,125, and that the Governor in Council had resolved to make an annual grant of Rs. 3,500 to the Institute, the grant being subject to revision after a period of three years or when an Assistant Director was appointed.^b In October 1908 the Government of India decided that all soldiers and their families residing in stations nearer to Coonoor than Kasauli should in future be sent to the Pasteur Institute, Coonoor, for anti-rabic treatment.

In April 1908 the Government of India forwarded to local Governments copies of a pamphlet on rabies and anti-rabic treatment in India prepared by Major G. Lamb, M.D., I.M.S., Director of the Pasteur Institute of India, Kasauli, and suggested that copies should be circulated as widely as possible among all classes and that translations into the vernaculars of the pamphlet or of portions of it should also be distributed.^c In May they informed the local Governments that the East Indian Railway Company had agreed to grant free third class return tickets to indigent persons on the production of certificates signed by a gazetted officer that they were proceeding to the Pasteur Institute at Kasauli for anti-rabic treatment, and they asked the Governments of Bengal, the United Provinces and the Punjab and the Chief Commissioner, Central Provinces, to draw up rules regarding the despatch of indigent patients to the Institute at Kasauli by that railway and to furnish the Agent with copies of the form of certificate which they might prescribe.^d In June 1908 they authorised the local Governments to allow advances made to Government servants proceeding to a Pasteur Institute for treatment to be repaid in more than three, but not more than twelve, instalments, when they considered that the enforcement of the ordinary rule would cause hardship, and permitted them to delegate this power to heads of departments and Commissioners of Divisions.^e In November 1908 they forwarded to local Governments and Administrations copies of the rules for the adjustment of travelling expenses and maintenance allowance granted to Government officers and other persons sent to a Pasteur Institute for treatment under the rules issued in December 1906.^f

(a) { F. D. des. no. 306, d. Aug. 15, 1907.
Des. no. 180-Rev., d. Oct. 18, 1907.
(b) { H. D. letter no. 25, d. Jan. 9, 1908.
Madras letter no. 385, d. Apl., 23, 1908.

(c) H. D. letter nos. 976-986, d. Apl. 25, 1908.
(d) H. D. letter nos. 540-551, d. May 28, 1908.
(e) H. D. letter nos. 696-706, d. June 29, 1908.
(f) H. D. letter nos. 1280-1290, d. Nov. 26, 1908.

5. In November 1908, the Government of India, after consulting the Government of Bengal and the Chief Commissioner, Central Provinces, deputed Major

Special investigations,
(i) Blood stains.

W. D. Sutherland, I.M.S., Civil Surgeon, Saugor, who had published a work on the identification of blood stains, to investigate at the Medical College, Calcutta, the possibility of carrying out in India certain serological tests for differentiating human blood stains from the stains of the blood of animals.^a In March 1910 they forwarded to the local Governments copies of a note by the Director General of the Indian Medical Service which showed that Major (now Lieutenant-Colonel) Sutherland had been able, by what is known as the precipitin test, to distinguish in India at all seasons of the year between human blood stains and the stains of the blood of animals. They asked for their opinions on a proposal that, in view of the results obtained, a serologist should be appointed temporarily, whose main duties would be to develop his methods, to prepare sera, to test and report upon blood stains and to train specially selected provincial officers in serology.^b

In the beginning of 1909 the India Office forwarded a copy of correspondence with Sir Lauder Brunton, who suggested that the Government of India

(ii) Snake bite.

should procure a supply of his lancets for the application of permanganate of potash to snake-bite and should sell them to the people through the Post Office. The local Governments were asked for a report on the results already obtained by this method of treatment.^c As the reports received were inconclusive, the Sanitary Commissioner was instructed to arrange that experiments should be made with Sir Lauder Brunton's lancets and permanganate of potash at the Bombay Bacteriological Laboratory. These experiments had not been concluded at the end of Lord Minto's term of office, but it had been definitely ascertained that the treatment of snake-bite by intra-venous injections of permanganate of potash was highly dangerous.

In August 1908 the Government of India informed the India Office that the Governments of Madras and Bombay were willing to give Dr. Deycke the

(iii) Treatment of leprosy with "Nastine."

facilities for which he had asked to enable him to demonstrate at leprosy hospitals in India his method of treating leprosy with "Nastine".^d Dr. Deycke was, however, unable to visit India, as he had promised to finish a series of experiments in British Guiana.

At the request of the Secretary of State reports on experiments made with "Nastine" were obtained from the local Governments and Administrations and were forwarded to the India Office.^e At the end of 1909 Captain Williams, I.M.S., who had taken a special interest in the subject was placed on special duty at the Matunga Leper Asylum in Bombay to investigate the "Nastine" treatment of leprosy.^f In the course of his work he and the Director of the Bombay Bacteriological Laboratory also made experiments with a vaccine for the treatment of leprosy invented by Major Röst, I.M.S.

6. At the instance of a conference of superintendents of leper asylums held at Purulia in February 1908, the Government of Bengal submitted a proposal to

Lepers Act.

amend section 2 (1) of the Lepers Act, 1898 (III of 1898), by omitting the

(a) H. D. notn. no. 1198, d. Nov. 5, 1908.

(b) H. D. letter nos. 355 364, d. Mar. 31, 1910.

(c) H. D. letter nos. 114-123, d. Feb. 8, 1909.

(d) H. D. letter no 19, d. Aug. 6, 1908.

(e) { Des. no. 33 Rev., d. Mar. 26, 1910.

(f) { H. D. des. no. 34 Sany., d. Dec. 23, 1909.

(g) H. D. notn. no. 1438, d. Dec. 8, 1909.

words "in whom the process of ulceration has already commenced" in the definition of "leper." The Government of India replied that the decision at which they had arrived in 1895 that the public interests did not require that action should be taken against lepers in whom the disease had not reached the ulcerous stage was based on the findings of the Leprosy Commission in India and the advice of eminent medical authorities in England. They informed the local Government that, if it desired to press its proposal, it should explain carefully and fully the reasons for recommending so radical an amendment of the law. They also asked the Government of Bengal and the other local Governments to instruct superintendents of leper asylums not to treat as lepers under the Act persons suffering from leprosy whose ulcers had completely healed.^a

7. Lord Minto's Government decided that a central lunatic asylum, to provide accommodation for all the European insanes from Bengal, Northern India and the Central Provinces who could suitably be transferred to it, should be constructed at Ranchi close to the site which the Government of Bengal had selected for a central asylum for native lunatics. They were unable to accept the rough plans and estimates submitted by the Government of Bengal and arranged for the appointment of a committee of expert officers to devise a better scheme. They rejected the revised proposals based on the recommendations of the committee on the ground that the design was too elaborate and that the cost of the scheme was prohibitive; and asked that the plans and estimate might be revised in such a way as to reduce the cost, if possible, to about £300 per bed, which they were advised was the approximate cost of a large and well-equipped asylum in England.

In 1909 the Government of Bengal represented that the existing law, contained in Chapter XXXIV of the Code of Criminal Procedure, regarding the detention of persons accused of offences who were incapable of making their defence by reason of unsoundness of mind, was unduly restrictive. The Lieutenant-Governor thought that the courts ought to have discretion to release such persons, with or without security, when they were satisfied that they could be released without danger to themselves or to the person or property of others. He also thought that the courts might be authorised to discharge criminal lunatics from asylums, without reference to Government, except when they had committed dangerous offences or had shown at any time homicidal tendencies or dangerous symptoms. Lord Minto's Government consulted the other local Governments regarding these suggestions and also on the general question of the provisions of the criminal law in India regarding lunatics.

8. In November 1905 the Government of the United Provinces submitted a proposal for the establishment of a Medical College at Lucknow as a memorial of the visit of Their Royal Highnesses the Prince and Princess of Wales. The cost of erecting the buildings was estimated to be not less than ten lakhs of rupees. Subscriptions amounting to nearly seven lakhs had been promised by the talukdars of Oudh and the public, and it was suggested that Government should undertake the maintenance of the institution. The establishment of a Medical College in the provinces had been

Lunatics
(i) Asylums.

(ii) Detention of lunatics under the Criminal Procedure Code.

Medical Institutions
(a) Lucknow.

recommended by the Universities Commission and public opinion was unanimous in its favour. In recommending the proposal to the Secretary of State the Government of India proposed to authorise the local Government to approach His Royal Highness with a request that he would lay the foundation stone of the College, on the condition that at least eight lakhs of rupees were subscribed for the building and that a suitable site could be secured without trenching upon this sum. The scheme was sanctioned by the Secretary of State in December 1905, and His Royal Highness (now His Majesty the King Emperor) laid the foundation stone of the new college on the 26th December 1905.

It was originally intended that a private institution known as the Balrampur Hospital should be used for clinical instruction, but this plan was found to be impracticable, as the hospital was not constructed in accordance with modern requirements and could not be improved owing to the cramped nature of the site. Also, the Government of the United Provinces thought it essential that the important city of Lucknow should have a thoroughly up to date hospital, both to supply efficient medical aid to its inhabitants, and to serve as an institution for the practical training of the students of the Medical College. It therefore proposed the construction of a College Hospital. After considerable correspondence regarding the details of the buildings, Lord Minto's Government forwarded to the Secretary of State, in March 1910, plans and estimates, the latter amounting to Rs. 32,70,000, for the proposed hospital.

In July 1908 Lord Minto's Government recommended for the sanction of the Secretary of State the proposals of the Government of Burma for the revision of the superior and subordinate staff of the General Hospital, Rangoon. The arrangement under which the superintendence of the hospital was undertaken by the Senior Civil surgeon, Rangoon, in addition to his other duties was clearly unsatisfactory and the appointment of a whole-time superintendent was in their opinion essential. They considered that the local Government had shown the necessity of appointing both a resident medical officer and a house surgeon in addition to the superintendent, a great part of whose time would be taken up with the general management of the hospital, and that there were good grounds for the appointment of a separate police surgeon and pathologist who, in addition to his work in the hospital, would be placed in charge of a provincial laboratory for pathological and parasitological research. They also supported the local Government's proposal that an ophthalmic surgeon should be appointed, and that an allowance should be paid to a qualified surgeon-dentist for attendance on certain days at the General Hospital and at the Medical School.

They further proposed the appointment to the new hospital of seven assistant surgeons, three to be placed in charge of wards under the supervision of the Superintendent and of the two civil surgeons, respectively, one to be employed in the parasitological and pathological laboratory and three to be employed in the out-patient department and the clinical laboratory. They also recommended that the number of hospital assistants should be increased and that the nursing and subordinate staff should be strengthened. They asked to be permitted to recruit four additional officers of the Indian Medical Service to provide for the new appointments. In November 1908 the Secretary of State, while sanctioning the proposed increase in the staff of the hospital, decided

that at least two of the newly created superior appointments on the hospital staff should be filled by private practitioners, or that two Indian Medical Service officers should be transferred from other posts and replaced in those posts by private practitioners."

Lord Minto's Government continued the contribution to the funds of

(c) Simla.

the Walker Hospital which was sanctioned by Lord Curzon's Government in

1904. They rejected a proposal of the Government of the Punjab that a new hospital should be built in Simla, mainly for clerks in the Secretariat offices. They considered that slight additions to and alterations in the existing hospitals would enable them to provide sufficiently for all classes in Simla, that the expenditure proposed could not be justified, that the construction of a new hospital would seriously injure the Walker Hospital, and that it would increase unduly the work of the medical officers in Simla. The changes which they considered most important were that a free ward should be provided in the Walker Hospital and that for treatment in a certain number of rooms in the hospital patients should pay hospital charges only, calculated on a moderate scale, and should not be required to pay fees to the Superintendent. The details of the arrangements to be made were being settled in consultation with the Government of the Punjab and the committee of the Walker Hospital at the close of Lord Minto's term of office.

In September 1905 the Madras Government recommended the abolition

(d) Madras.

of the post of Lady Assistant Superintendent of the Hospital and the

appointment of a junior commissioned medical officer as Assistant Superintendent. They proposed to continue the temporary arrangement by which lectures on midwifery to female students in the Medical College were given by a private lady doctor on an allowance of Rs. 100 a month, and not to disturb the appointment of military assistant surgeon attached to the Hospital. The Government of India, after obtaining further information from the Government of Madras, agreed that the necessity for the appointment of a junior commissioned medical officer in place of a lady as Assistant Superintendent had been fully established. They considered that, as the post would not be held by an officer of higher rank than that of captain, the pay should be the consolidated military pay of rank, as in the case of the similar appointment at the Eden Hospital, Calcutta. They approved the grant of an allowance of Rs. 100 a month to a private lady doctor for lecturing on midwifery to the female students of the Medical College, and the retention of the appointment of military assistant surgeon on the subordinate staff of the institution. The Secretary of State accepted these proposals.^b

On the 3rd February 1906 His Excellency the Viceroy presided at the

(e) Calcutta.

ceremony of laying the foundation stone of the new surgical block of the Medical

College Hospital, Calcutta. The proposal to build a new surgical hospital on modern lines in connection with the College was first originated in 1903, and the plan which was finally adopted was a modification of that of the Betinda Hospital at Vienna which had been recommended by Lieutenant-Colonel (now Sir) Havelock Charles, I.M.S., then Professor of Surgery, as a model building. The total accommodation to be provided consisted of eight

(a) { F. D. desp. no. 219, d. July 30, 1903.
Des. no. 188-Pub., d. Nov. 20, 1903.

{ (b) { F. D. des. no. 215, d. July 19, 1906.
Des. no. 147-Pub., d. Oct. 12, 1906.

main wards of ten beds each and eight small private rooms each containing one bed, or a total accommodation for 88 patients. The approximate cost was estimated at Rs. 6,25,000. The new hospital has been named the "Prince of Wales' Hospital," in memory of His Majesty's visit to Calcutta in 1906, and His Majesty's presentation, on behalf of the Maharaja of Darbhanga, of a sum of Rs. 90,000 to the funds of the hospital.

9. In November 1906 the Government of Lord Minto informed the Secretary of State that the scheme put forward by Lady Curzon for the provision of trained nurses to attend on Europeans in India had not commended itself to the local Governments, and that they had therefore decided to abandon it. In its place a fresh scheme had been elaborated by Her Excellency Lady Minto in consultation with the local Governments, which created a service of English nurses, to be called "Lady Minto's Indian Nursing Association," distributed among the United Provinces, the Punjab with Kashmir, the Central Provinces, Eastern Bengal and Assam, the North-West Frontier Province, Baluchistan, Burma, Rajputana and Central India. No pensions or gratuities were to be given, and the Association was neither to form a Government establishment nor to be subject to Government control. The Government of India had, however, sanctioned an annual grant of Rs. 35,000 in aid of the scheme, and had allowed local Governments to provide free quarters, furnished and maintained as Government buildings, for the nurses both in the hills and in the plains.* The Secretary of State inquired, in January 1907, whether in making the grant to the association the Government of India had laid down any conditions, such as Mr. Brodrick suggested in 1904 in connection with the late Lady Curzon's scheme for a nursing service, limiting the grant in point of time and with reference to the number of subscribers to the fund^b. The Government of India replied that the imposition of conditions had been suggested by Mr. Brodrick in view of certain special features of the earlier proposal, and that, as Lady Minto's scheme differed from that of the late Lady Curzon both in form and in scope, they had not thought it necessary to impose them. They explained at the same time that they did not think that the omission to fix a limit of time for the grant was likely to cause embarrassment, as it was naturally an implied condition of every grant of this kind that, if the institution to which it was given ceased to serve the purpose for which it was established, the grant of Government aid should come under reconsideration and might possibly be discontinued altogether. They added that although they had not stipulated for the repayment of the grant, the Committee itself had fully considered the possibility of its being reduced.*

10. In March 1907 the Government of Madras submitted an application from the Honorary Secretary of this Institute, requesting that the nurses might be provided by Government with free furnished quarters, and that an annual grant might be sanctioned in aid of its funds. After a careful consideration of the case and having regard to the fact that the Government of Madras had in 1905 expressed their inability to co-operate in the scheme for a central nursing association, the Government of India replied that if any grant was given, it should be made from provincial funds. They added that they considered that no grant ought to be made even

(a) H. D. des. no. 21, d. Nov. 1, 1906.

(b) Des. no. 10-Rev., d. Jan. 18, 1907.

(c) H. D. des. no. 7, d. May 2, 1907.

from provincial revenues until the Secretary of State's final orders had been received regarding the grant in aid of Lady Minto's Indian Nursing Association.^a In August 1908, however, the Secretary of State sanctioned^b, on the understanding that it was non-recurring, a grant-in-aid of Rs. 5,000 which the Government of Madras had already made to this Institute. In April 1909 the application for a grant from imperial revenues was renewed, but no orders were passed on it as Lady Minto's Indian Nursing Association agreed to pay Rs. 5,000 annually to the Institute so long as the grant of Rs. 35,000 a year continued to be paid to it by the Government of India and so long as the institute received no assistance from provincial revenues.^c In December 1909 the grant to the nurses of the Institute of furnished quarters rent free was sanctioned^d.

11. In September 1908 Lord Minto's Government asked the Secretary of State to sanction an annual grant-in-aid of Rs. 50,000 to the Central Committee of the National Association for Supplying

Countess of Dufferin's Fund.

Female Medical Aid to the Women of India, which was founded in 1885 by the Countess of Dufferin with the object of co-ordinating the efforts of the charitable institutions then existing in different provinces for the supply of female medical aid to women and of organising new institutions of the same nature both in British India and in Native States. They described the organisation of the Association and explained that the grant-in-aid was asked for mainly to enable the Central Committee to raise, where necessary, the pay 'of ladies employed by its branches'. The affiliated branches of the Association were rarely able to offer to the lady doctors recruited in England more than Rs. 300 or Rs. 350 a month and not infrequently were unable to pay them so much; and the Government of India agreed with the Central Committee that such salaries were inadequate. They described what had been done in recent years, very largely owing to the influence and activity of the Association, to further the charitable provision of female medical aid for women in India, and added that the only assistance which the Central Committee received from Government consisted of the salary of a clerk whose services had been lent to the Fund. They considered that the grant proposed would be a very moderate contribution to a voluntary movement which had done, and was doing, a great deal for the benefit of the people and strongly recommended the proposal for the Secretary of State's sanction. In November 1908 Lord Morley replied that, while he was conscious of the good work which the Association was doing and while he sympathised with the motives which led Lord Minto's Government to support the proposal, he regretted that he was unable to accept it. He sanctioned, however, as a special case, for a period of five years, an annual grant to the Central Committee of the Fund of an amount equal to the subscriptions and donations which it had received in the preceding year, subject to a limit in each year of Rs. 20,000.^e

12. In January 1907 the Government of Lord Minto approved the revision of the lists of superior medical appointments in the Central Provinces, noting that the distribution of the nineteen appointments reserved for commissioned

(a) H. D. letter no. 498, d. June 11, 1907.

(b) Des. no. 133-Finl., d. Oct. 2, 1908.

(c) { Madras letter no. 272, d. Apl. 28, 1909.

(c) { H. D. letter, no. 989, d. Aug. 7, 1909.

(d) H. D. letter no. 1440, d. Dec. 8, 1909.

(e) { F. D. des., no. 207, d. Sep. 8, 1908.

(e) { Des. no. 136-Rev., d. Nov. 20, 1908.

medical officers between the Bengal and Madras establishments would be as follows^a:—Bengal 9, Madras 10.

13. In September 1909 the Government of India sanctioned the abolition of the classification of civil surgeoncies by stations, which then existed in the Bombay Presidency, and the adoption of a delocalized and personal classification of civil surgeoncies, four appointments being in the first class and the remainder in the second class.^b

Owing to the great increase in the importance of Manbhum in recent years, the Government of India in February 1906, on the recommendation of the Government of Bengal, sanctioned the transfer of the civil surgeoncy of that district to list I (appointments to be reserved for Indian Medical Service officers) in the place of Jessore which was removed to list II (appointments to be held by commissioned medical officers, uncovenanted medical officers, military or civil assistant surgeons as convenient).^c

In connection with the proposal to increase the emoluments of officers of the Indian Medical Service in civil employment and with particular reference to a request made by the Government of the United Provinces for an addition to the number of first class civil surgeoncies in those provinces, the question of a general redistribution of civil surgeoncies throughout India was discussed. After a full consideration of the circumstances of the various provinces, Lord Minto's Government decided in January 1906 not to recommend to the Secretary of State any alteration in the existing position either in the United Provinces or elsewhere.^d

In October 1908 the Government of the Punjab submitted for the approval of the Government of India a draft of revised rules regarding the division of duties between the two civil surgeons of Simla, and asked at the same time that the appointment of Civil Surgeon of Simla, East, might be transferred to the provincial cadre and that both the civil surgeons might be declared to be under the orders of the Inspector-General of Civil Hospitals, Punjab. The Government of India agreed to the rules proposed by the Lieutenant-Governor with certain modifications, but they were unable to accept the proposal that one of the civil surgeoncies should be included in the provincial cadre and should be held in future by an officer appointed by the Lieutenant-Governor. They considered it desirable that both the posts should continue to be open to officers of the Indian Medical Service serving in any part of the old Bengal Presidency, and that the appointments should continue to be made by the Governor-General in Council. They agreed, however, to the two civil surgeons being subordinate to the Inspector-General of Civil Hospitals and to the local Government, in respect of the performance of their duties, but asked that no orders modifying the distribution of their work should be issued without reference to them.^e

In 1909, owing to the creation of three new professorships in the Lahore Medical College and the appointment of officers of the Indian Medical Service

(a) H. D. letter no. 55, d. Jan. 17, 1907.

(b) H. D. letter no. 1063, d. Sep. 2, 1909.

(c) H. D. letter no. 150, d. Feb. 17, 1906.

(d) H. D. letter no. 89, d. Jan. 12, 1906.

(e) { H. D. letter no. 1198, d. Nov. 7, 1908.
H. D. letter no. 138, d. Feb. 5, 1909.

to these posts, orders were issued that three civil surgeoncies in the Punjab which were reserved for Indian Medical Service officers should be transferred as vacancies occurred to civil assistant surgeons."

In July 1907 the Government of Burma recommended that the junior civil surgery of Rangoon and the civil surgeoncies of Akyab, Moulmein, Bassein and Maymyo should be raised from the second to the first class. The Government of India inquired whether the local Government desired to maintain the existing classification of civil surgeoncies by stations or to adopt a delocalised and personal classification under which the higher emoluments would be granted to commissioned medical officers by seniority and merit without regard to the stations at which they were employed. The local Government expressed its willingness to adopt the latter system, and at the same time recommended that the number of first class civil surgeoncies in Burma should be increased from two to seven. The Government of India agreed that, in view of the high cost of living in Burma and of the importance of making service in that province more attractive to medical officers, the number of first class civil surgeoncies should be increased, but having regard to the proportion of such appointments to all civil surgeoncies in other provinces they thought that it would be sufficient if the number of first class appointments in Burma was increased from two to five. With this modification, they supported, and the Secretary of State sanctioned, the local Government's proposals.³ The Secretary of State sanctioned in November 1907 the appointment of a whole-time civil surgeon to the medical charge of the Manthawaddy district.⁴

On the recommendation of the Government of India, the Secretary of State sanctioned in November 1905 the creation of a second class civil surgery to be held by a commissioned medical officer at Kengtung in the Southern Shan States, Burma.⁴

In February 1906 the Government of Eastern Bengal and Assam recommended that the civil surgery of Chittagong should be raised from the second to the first class. This proposal led the Government of India to inquire whether it was desired to maintain the classification of civil surgeoncies by stations, or to adopt the delocalised and personal classification, existing in Bengal, under which the higher emoluments are granted to commissioned medical officers by seniority and merit without regard to the station at which they were employed. The local Government expressed its preference for the latter system, and strongly represented the necessity for increasing the number of first class appointments from two to four. This necessity was accepted by the Government of India, and, in view of the unpopularity of service in Eastern Bengal and Assam and the great difficulty experienced in securing a sufficient number of commissioned medical officers for employment there, they recommended and the Secretary of State sanctioned the revised proposals.⁵

In October 1907 Lord Minto's Government sanctioned the formal transfer from Bengal to Eastern Bengal and Assam of fifteen civil surgeoncies including one appointment of first class and seven of second class civil surgeon, held by officers of the Indian Medical Service.⁶

(a) H. D. letter no. 782, d. July 6, 1909.
 (b) { F. D. des. no. 60, d. Feb. 27, 1908.
 Des. no. 47-Pub., d. Apl. 10, 1908.
 (c) { F. D. des. no. 377, d. Sep. 28, 1907.
 Des. no. 172-Pub., d. Nov. 8, 1907.

(d) Des. no. 142-Pub., d. Nov. 3, 1905.
 (e) { F. D. des. no. 73, d. Feb. 28, 1907.
 Des. no. 69-Pub., d. May 10, 1907.
 (f) H. D. letter no. 1158, d. Oct. 14, 1907.

14. In July 1905 the Government of India obtained the sanction of the Secretary of State to the establishment of an institute in India as a centre for the

X-Ray Institute.

practical instruction of medical officers and subordinates in the use and management of X-Ray apparatus and as a depôt for the storage and repair of such apparatus. In March 1906 they were able to announce the arrangements made and the terms on which the classes could be attended^a. The institute has been located at Dehra Dun and placed under the superintendence of an officer of the Indian Medical Service. Classes are held for the instruction of medical officers and subordinates in civil and military employ, the course of instruction in each case extending over a period of about three months. Officers in military employ attending the classes receive the pay and allowances of their substantive appointments and travelling allowances under the rules which govern their case : officers in civil employ draw the pay of their substantive appointments and travelling allowance at the rates prescribed under the Civil Service Regulations.

On the recommendation of the Government of India the Secretary of State sanctioned, in May 1906 the grant of a staff allowance at the rate of Rs. 500 a month with effect from the 2nd July 1905 to the Superintendent of the Institute. In November 1906 the Government of India decided that the Institute should be constituted the depôt of supply in India for X-ray apparatus, and the local Government were asked to communicate their demands to the Superintendent by the 1st August in each year, in order that the Director General of the Indian Medical Service might be enabled to submit annually to the Government of India in September, commencing from the year 1907, an estimate of the provision required for the following official year. In January 1907 sanction was accorded to the construction of a new building for the purposes of the Institute and the utilisation as a residence for the Superintendent of the house in which the Institute is as present located.

15. In June 1906 the Government of Lord Minto reported to the Secretary of State that they had decided that if an officer of the Indian Medical

Study leave.

Service found that the study leave originally granted to him did not suffice for the purpose which he had in view and applied for further leave to supplement the first, the two periods should reckon as one grant of study leave, but that if he subsequently asked for additional leave in order to pursue a new object of study, the second period should count as a separate grant^b. They stated that they had considered whether it was desirable to extend in selected cases to uncovenanted medical officers who showed special merit and were desirous of engaging in post-graduate studies in England the privilege of study leave granted to Indian Medical Service officers, and that they thought it unnecessary either formally to extend the Indian Medical Service regulations on the subject to this class of officers or to publish any special rules for them. They added, however, that this decision would not preclude them from recommending the special case of any uncovenanted medical officer or military assistant surgeon whom by reason of his official position they might wish to depute to England to study some particular subject connected with his duties. They considered it essential that Indian Medical Service officers who were in England on leave

(a) H. D. resn. nos. 209-28, d. Mar. 9, 1906.

(b) { F. D. des. no. 94, d. Mar. 22, 1906,
Des. no. 54-Mily., d. May 25, 1906.

(c) F. D. des. no. 197, d. June 7, 1906.

should be required to submit their applications to them in time for them to consider them before they applied to the India Office, as it was necessary to guard against proposals being initiated in the interests of individual officers rather than in those of the public service.^a In June 1906 the Secretary of State communicated certain rulings which he had made with the object of enabling a military officer in civil employ to receive the civil rate of pay for a certain period of study leave taken when no ordinary furlough was due to him carrying the civil rate of pay. After reference to the Government of India, he decided, in January 1907, that study leave should not be taken into account in reckoning the maximum period of six years' furlough admissible to an officer of the Indian Medical Service under article 292 of the Civil Service Regulations.^b In March 1907, he modified the regulations regarding the grant of study leave to those officers so as to provide:—

- (1) that an officer who was in England on combined leave might commence a course of study before the end of his privilege leave and count the period so spent as part of his study leave, without forfeiting his privilege leave allowances during that period ;
- (2) that an officer who retired from the service after study leave without returning to India should not be eligible for the lodging allowance ordinarily admissible ; and
- (3) that study leave should count as service for promotion and pension, but, except when taken during privilege leave, not for furlough or any other leave, and that it should not affect any leave already due to an officer^c.

In February 1908, a further addition was made to the rules providing that an officer whose study leave was combined with any other kind of leave would be required to take his study leave at such a time as to leave, at its conclusion, a balance of other leave, previously sanctioned, sufficient to cover his return journey to India.^d

The Government of the Punjab was informed, in August 1907, that it had been decided in 1906 that the provisions of the study leave rules should not be extended to uncovenanted medical officers^e.

In June 1908 Lord Minto's Government recommended to the Secretary of State that officers of the Indian Medical Service, of the Royal Engineers and of the Indian Army, should, when undergoing a course of training in England for the Indian Assay Department, be allowed study leave for the whole period of the course irrespective of their length of service. Lord Morley agreed to the proposal so far as officers of the Indian Medical Service were concerned, but thought it inadvisable that officers of the Indian Army or the Royal Engineers should be granted 'study leave.' He considered, however, that they might, when recommended by Government to undergo in England the course of training referred to, be granted lodging allowance in addition to furlough pay on producing satisfactory certificates at the

(a) H. D. des. no. 18, d. July 26, 1907.
(b) Des. no. 3-Finl., d. Jan. 11, 1907.

(c) Des. no. 7-Mily, d. Jan. 18, 1907.
(d) D. M. S. letter no. 651-G., d. Jan. 29, 1908.
(e) H. D. letter no. 971, d. Aug. 31, 1907.

conclusion of the course, but that, as the course of study would commonly be taken with ordinary leave, they should have no claim to passage at Government expense either from or to India. He also decided that in the case of officers under the civil service rules the time spent in study should not be regarded as extra leave or furlough.^a In December 1908, Lord Minto's Government forwarded, for the approval of the Secretary of State, a set of draft rules which they had drawn up with the object of extending to the officers of other scientific and technical departments under their control the facilities for professional study and visits to works which were secured by rule to officers of the Indian Medical Service, the Indian Forest Service, the Geological Survey of India, the Public Works Department and the Indian Civil Veterinary Department. They explained that the draft rules followed very closely those which were sanctioned for officers of the Geological Survey of India in March 1907, but that they had been made as elastic as possible, as they were intended to be of general application. They added that, if the proposals were accepted, the existing study leave rules of the Indian Medical Service, the Indian Forest Service, the Civil Veterinary and Geological Survey Departments and the rules under which engineers of the Public Works Department were permitted to visit works would be withdrawn, and that the new set of rules would be extended to all the scientific and technical departments with the exception of the Educational Department. They did not propose to make any change in the existing arrangements as regards this service or in the rules submitted to the Secretary of State in August 1896, under which specially selected Indian engineers of the Public Works Department were allowed to undergo a course of practical training in England^b. The Secretary of State accepted the general rules proposed by the Government of India with certain modifications but thought it advisable that officers of the Indian Medical Service should be excluded from their scope, as the study leave rules for that service were drawn up with special reference to its requirements.

16. In July 1906 the Secretary of State sanctioned^d the proposals^e submitted by the Government of India regarding

Emoluments of presidency district surgeons and medical officers of the Medical College, etc., Madras.

the pay and allowances of the Presidency

district surgeons and the medical officers of the General Hospital, Madras, and the terms on which they should hold professorships.

In December 1906 the Government of Madras referred, for the orders of the Government of India, several questions regarding the pay and allowances of these officers.^f They were informed in reply :—

- (1) that the allowance for a minor professorship should be treated as a local allowance and not as salary ;
- (2) that no medical officer should, in ordinary circumstances, draw more than one professorial allowance, but that in special cases an officer might be permitted to perform the duties of two professorships conjointly as a temporary arrangement and to draw the allowances admissible under article 168 of the Civil Service Regulations ;
- (3) that they were at liberty to confer any professorship, whether major or minor, on any Indian Medical Service officer in civil employment at the Presidency town who was qualified, but that, except

(a) { F. D. des. no. 189, d. June 25, 1908.
{ Des. no. 186-Mily., d. Oct. 13, 1908.
(b) F. D. des. no. 343, d. Dec. 10, 1903.
(c) Des. no. 54-Rev., d. May 14, 1910.

(d) Des. no. 96-Pub., d. July, 6, 1906.
(e) F. D. des. no., 139, d. Apl. 26, 1906.
(f) Madras letter no. 921, d. Decr. 6, 1906.

as a special case and as a temporary arrangement, a minor professorship should not be conferred on an officer holding a major, or another minor, professorship.

- (4) that, on the analogy of article 139 of the Civil Service Regulations, the allowance of an officer of the subordinate service temporarily performing the duties of a minor professorship should be Rs. 100 a month.

The Government of India added that the arrangement under which a junior officer of Indian Medical Service attached to the General Hospital taught hygiene and bacteriology was not, in their opinion, satisfactory and suggested that this duty should be entrusted to an officer in touch with the application of the principles of hygiene in India, as, for instance, the Medical Officer of Health, Madras.^a

17. At the request of the Secretary of State Lord Minto's Government asked local Governments and the Central Committee of the Pasteur Institute, Kasauli,

Experiments on living animals.

for full reports respecting the restrictions enforced in India in regard to experiments on living animals and the extent to which the work undertaken in the various research laboratories depended on such experiments^b.

On receipt of their replies they informed the Secretary of State in July 1907 that vivisection in India, except in the anti-rabic institutes, was practically confined to the use of hypodermic injections for the immunisation of animals for the preparation of antitoxins and for testing the pathogenicity of germs, and that these operations were practically painless in themselves; that rabies was induced in animals at the Pasteur Institutes at Kasauli and Coonoor, but that this was unavoidable if anti-rabic treatment was to be carried out. They stated that they had decided that the orders of 1900, directing the Kasauli Institute to adopt adequate precautions against causing avoidable pain to animals and to regulate its work on the lines of the English Cruelty to Animals Act, should be extended formally to all research laboratories in India, and that workers other than the officials of a laboratory should be forbidden to undertake experiments on living animals without the special permission of the local Government controlling the laboratory or of an officer authorised by the Government to grant such permission. In their opinion there was no necessity for the issue of licenses for the performance of experiments or for registration or the grant of certificates. They considered that special inspections, beyond those already made regularly by departmental officers, were not required, and that there was at present no reason to modify the conclusions adopted in 1896 regarding the issue of rules to restrict experiments on living animals^c. In December 1907 the Secretary of State approved the orders which the Government of India proposed to issue and stated that he intended to request them, when the Royal Commission on vivisection reported, to consider how far its recommendations could be made applicable to India. He also asked for an account of the actual nature of the routine and research work carried out in the Pasteur Institute at Kasauli, and for a further report from the Imperial Bacteriologist, Muktesar^d.

The reports asked for were forwarded to him in August 1908 and he was informed that the orders of 1900 directing the Kasauli Institute to adopt adequate precautions against causing avoidable pain to animals and to regulate its

(a) H. D. letter no. 508, d. June 14, 1907.

(b) { H. D. letter nos. 1007-12, d. Nov. 27, 1906.
(c) { H. D. letter nos. 79-85, d. Jan. 24, 1907.

(e) H. D. des. no. 18, d. July 18, 1907

(d) Des. no. 213-Rev., d. Dec. 6, 1907.

work on the lines of the English Cruelty to Animals Act were in force in the Muktesar Laboratory ^a.

18. With a view to minimising the possibility of accidents the Government of India in February 1907 commended to the consideration of local Governments the provision of a satisfactory form of bottle for use in hospitals and dispensaries for the storage of poisonous fluid drugs^b.

19. The Government of Lord Minto decided in April 1906 that when the particulars of a Government servant's illness are required in the interests of Government by his official superiors the Government medical officer who has dealt with his case in his official capacity may be required to supply them without infringing the relations which ordinarily obtain between a patient and his medical adviser. They thought it advisable, however, that the information should ordinarily be demanded, if at all, from the subordinate himself, who could obtain it from his medical attendant in the way in which the somewhat analogous statements required to support an application for leave on medical certificate are obtained. The local Governments and Administrations were asked to deal accordingly with any cases of the kind which might arise in future.^c

20. In the beginning of 1907, Mr Booth-Tucker, on behalf of the Salvation Army, addressed the Government of India on this subject and made the following proposals:—

(1) that the Government should either:—

- (a) give the Salvation Army a grant of about half a lakh of rupees towards the provision of hospital buildings and equipment, or
- (b) make over to them some of the existing hospitals to work, or
- (c) provide and equip a certain number of new hospitals and place them at the Army's disposal, and

(2) that they should recognise the courses of instruction which the Salvation Army proposed to give in these hospitals, and the men trained there.

The Government of India considered that there would be danger of both political and religious complications if some of the proposals were accepted, but were inclined to think that if the Salvation Army built hospitals in suitable places, local Governments might properly assist them with grants in-aid or the loan of the services of medical subordinates. In July 1907 they communicated this provisional opinion to the Governments of Madras, Bombay, the United Provinces and the Punjab, with a copy of Mr. Tucker's letters on the subject, and asked them how they regarded the proposals and whether they were prepared in any way to enlist the co-operation of the Salvation Army in the extension of medical relief. The Governments of Madras and Bombay were at the same time requested to furnish reports regarding the work done in the Salvation Army hospitals in Travancore and Gujarat respectively^d.

On receipt of replies from the local Governments the Government of India informed Mr. Booth-Tucker in June 1908 that they were unable to give him any general promise of assistance or any general concessions in connection

(a) H. D. des. no 17 d. Aug. 13, 1908.

(b) H. D. letters nos. 97-101, and 108-109, d. Feb. 2, 1907.

(c) H. D. letter nos 811-20, d. Apl. 7, 1906.

(d) H. D. letter nos. 620-32, d. July 15, 1907.

with the medical work of the Salvation Army but that he was at liberty to make specific proposals to the provincial governments or local authorities*.

21. In October 1907 the Secretary of State decided that Mr. H. Cogill, a private medical practitioner, who had been appointed substantively to the post of Surgeon to the Governor of Bombay or Madras, and any other private practitioner who might be appointed in future to this post or that of Surgeon to the Governor of Madras should receive a salary of Rs. 1,000 a month, the pay of these appointments when held by commissioned medical officers.^a

22. At the instance of the Government of Bombay Lord Minto's Government recommended in March 1908 for the sanction of the Secretary of State that the pay of the First and Second Physicians of the Pestonji Hormasji Kama Hospital for Women and Children, Bombay, should be increased; that the incumbents of both posts should be recruited in England and granted the privileges of the European Service leave rules; and that they should be allowed, under article 403 of the Civil Service Regulations, to add five years to their service qualifying for superannuation pension.^c The Secretary of State sanctioned all these proposals except that relating to the pay of the First Physician. He preferred to reserve that question until a vacancy arose, as the pay of the present incumbent was personal and she had not asked for an increase.^d

In January 1910 the Government of Bombay reported that the Physician in charge St. George's Hospital should be restricted to consulting practice on the ground that he could not find sufficient time for the administration of the hospital while he was allowed to engage in general private practice. They recommended that when this rule was introduced, the pay of Physician in charge should be increased to Rs. 1,800-100-2,000, with a local allowance of Rs. 250 and free quarters. The Government of India fully agreed that this officer ought to be restricted to consulting practice only and were willing to admit that some compensation ought to be granted to him when this restriction was imposed. They could not however find any sufficient reason for recommending to the Secretary of State that he should be granted a higher salary than that which was sanctioned in 1898 for the Superintendent of the Presidency General Hospital, Calcutta, *viz.*, Rs. 1,800 a month, with free quarters and consulting practice only. They asked the Government of Bombay to consider whether these terms would not be adequate*.

23. In May 1907 the Government of Bengal reported that the existing arrangements for teaching botany and zoology at the Medical College, Calcutta, could not continue, as the new university regulations required a course of laboratory instruction, both theoretical and practical, in each subject, and the Superintendent, Royal Botanical Gardens, Calcutta, and the Superintendent, Indian Museum, who then lectured on botany and zoology, were unable, for want of time, to give the full course prescribed. Temporary arrangements were made at the time, as teaching under the new regulations had to begin from the commencement of the session in June 1907, and in January 1908 Lord Minto's Government addressed

(a) H. D. letter no. 599, d. June 8, 1903.
(b) { F. D. desp. no. 813, d. Aug. 15, 1907.
 { Desp. no. 159-Pub., d. Oct. 11, 1907.

(c) F. D. desp. no. 67, d. Mar. 5, 1908.
(d) Disp. no. 58-Pub., d. May 8, 1908.
(e) H. D. letter No. 274, d. Mar. 19, 1910.

the Secretary of State regarding the permanent arrangements proposed. The local Government recommended that a whole-time professor of biology and an assistant professor should be appointed, that the minor professorships of botany and zoology, to each of which an allowance of Rs. 200 a month was attached, should be abolished, that the professor of biology should be an officer of the Indian Medical Service and should draw the salary attached to other professorial appointments in Calcutta, Bombay, Madras and Lahore, namely from Rs. 750 to Rs. 1,650 a month according to his rank, and that, as he would be a whole time officer with no hospital duties to perform and would be debarred from private practice, he should be granted in addition a local allowance of Rs. 300. It further proposed that the assistant professor, who would be an assistant surgeon, should receive pay and an allowance on the same scale as other assistant professors in the medical college^a. The Government of India supported these proposals. In February 1908, they sanctioned, as a temporary arrangement and subject to the confirmation of the Secretary of State, the appointment of Captain R. E. Lloyd, Indian Medical Service, who was on special duty at the Indian Museum, to teach biology at the medical college, in addition to his own duties, during the absence on leave of the officiating professor of pathology^b. In April 1908, the Secretary of State sanctioned the *ad interim* arrangements which had been made and agreed to the appointment of a whole-time professor of biology and an assistant professor on the rates of pay granted to officers holding similar posts at the Medical College, Calcutta, and at Bombay, Madras and Lahore. He considered, however, that it was inexpedient to reserve the professorship to the Indian Medical Service. He remarked that, apart from the fact that it was desirable to promote the growth of an independent medical profession in India, the officer selected to fill the post would in the course of time acquire a special competence to teach the subject which would make it desirable to retain him during the whole of his service in this particular post; and that the exigencies of the service or the chances of promotion might remove an officer of the Indian Medical Service from the Medical College just when he had acquired a reputation for expert knowledge. He therefore asked that the proposal to appoint an Indian Medical Service officer to the post of professor of biology should be reconsidered, and that, if the Government of India thought that a biologist should be specially selected in England, they would inform him what salary and other advantages, if any, they proposed to offer.^c

In January 1909 Lord Minto's Government replied to this despatch, and at the same time forwarded a copy of correspondence regarding a proposal to create a separate chair of anatomy in the college. They explained that Sir Andrew Fraser, while he welcomed the proposal that certain professorships at the college should be open to medical men not belonging to the Indian Medical Service, thought it undesirable that the biology professor should be recruited specially in England, as such an appointment would do nothing to promote the growth of an independent medical profession in India, and that he suggested that the chair of anatomy, the creation of which he had recommended, should be filled by a medical man outside the Indian Medical Service, as suitable Indian candidates were available. They added that they thought that the appointment of a biology professor in England, whether he was a medical man or not, would be open to the objections which they had urged in 1908 against the transfer

(a) F. D. desp. no. 30, d. Jan. 23, 1908.

(b) { H. D. letter no. 201, d. Feb. 8, 1908.
F. D. desj. no. 55, d. Mar. 19, 1908.

(c) Desp. no. 42-Pub. (Ednl.), d. Apr. 8, 1908.

of posts now held by officers of the Indian Medical Service to English medical men recruited in England, and that it was therefore desirable, in their opinion, that this professorship should be held by an officer of that service until fully qualified candidates were forthcoming among the natives of this country. They said that as soon as such candidates were available they would be ready to throw the appointment open to them.^a

After some further correspondence, the Secretary of State accepted the Government of India's view, on the conditions that the vacancy caused by the appointment of an Indian Medical Service officer to this post would be filled from outside that service and that a professor not belonging to it would be appointed as soon as a suitable candidate outside that service was available in India.^b

In August 1909 the Government of India asked for the sanction of the Secretary of State to the proposal made by the Government of Bengal for the creation of a separate chair of anatomy in the Medical College, Calcutta, to be held by a medical man not belonging to the Indian Medical Service. They agreed with the local Government that the professor should not be permitted to engage in private practice and proposed that he should receive Rs. 500 a month for the first term of three years, Rs. 600 for the second and Rs. 700 for the third or any subsequent period for which he might be reappointed.^c While sanctioning the creation of a separate chair, the Secretary of State stated that he was not satisfied that the scale of pay proposed was adequate. He remarked that the object which the Government had in view in filling this appointment from outside the ranks of the Indian Medical Service was to promote the growth of an independent medical profession and that, if its pay were not to exceed Rs. 500 to Rs. 700 a month, that object would be lost sight of. Lord Morley added that he was inclined to think that the scale of pay and allowances ought not to be less than approximately two-thirds of the pay and allowances which were originally proposed by the Government of Bengal, when it was intended that it should be held by an officer of the Indian Medical Service.^d After consulting the Government of Bengal, the Government of India informed the Secretary of State that it was intended that the appointment should be held by a civil assistant surgeon serving in Bengal and that the rate of pay proposed to the Government of Bengal was based on the pay of a civil assistant surgeon performing the duties of a civil surgeon, *viz.*, Rs. 350—500 a month, allowance being made for the fact that the professor was to be debarred from private practice. They stated that the pay of the man to be appointed must, in their opinion, depend upon his qualifications; that, if the new professor belonged to the civil assistant surgeon class, the pay ought not to be higher than they had proposed in August 1909, and that, if a higher rate of pay was to be given, it ought to be given only on the condition that whoever was appointed possessed qualifications such as would be expected in the case of an Indian Medical Service officer selected for an important professorship. If an independent medical practitioner possessing such qualifications could be found in India and was appointed to the chair, they were prepared to pay him Rs. 700 for the first period of three years, Rs. 800 for the second period, and so on, with a maximum of Rs. 1,200 a month.^e In June 1910 the Secretary of State approved this scale of pay for private practitioners who might be appointed to the professorship of anatomy. He was not in favour of the proposal to appoint a civil assistant surgeon to the

(a) H. D. desp. no. 1, d. Jan. 14, 1909.

(b) Desp. no. 106-Pub., d. July 23, 1907.

(c) F. D. d. s. no. 89, d. Apr. 21, 1910.

(d) F. D. desp. no. 206, d. Aug. 19, 1909.

(e) Desp. no. 117-Pub., d. Nov. 12, 1909.

new chair, and therefore thought it unnecessary to determine the rate of pay to be prescribed for officers of that class^a. The Government of India asked the Government of Bengal to call for applications for the new post by advertisement and to forward to them a statement showing fully the qualifications of all applicants together with the recommendations of the Lieutenant-Governor^b.

In October 1908 Lord Minto's Government recommended to the Secretary

(b) Lahore Medical College.

of State that three whole-time professors should be added to the staff of the

college to teach, respectively, pathology, ophthalmic surgery with diseases of the throat, nose and ear, and midwifery and diseases of women; that each of these professors should be assisted by a demonstrator of the civil assistant surgeon class; and that the civil surgeon, who taught midwifery and lectured on forensic medicine, should in future teach the latter subject only. They also proposed that the professorships should be held by officers of the Indian Medical Service, pending a decision on the general question of promoting the growth of an independent medical profession in India and of transferring to private practitioners some of the posts now filled by officers of that service. In January 1909 the Secretary of State sanctioned the creation of the appointments proposed by the Government of India, but declined to allow any addition to be made on their account to the cadre of the Indian Medical Service. He requested that the new posts might be filled by the appointment of private practitioners outside the service, or by the transfer of Indian Medical Service officers from other appointments, private practitioners being engaged to fill the vacancies thus created, and that he might be informed of the arrangements which the Government of India decided to make^c. The Government of India replied that the immediate appointment of private practitioners either in the college or to civil surgeoncies was impracticable and that they proposed to meet his wishes by transferring three civil surgeoncies now held by Indian Medical Service officers to civil assistant surgeons. The Secretary of State approved this arrangement^d.

24. On a representation made by the military authorities it was decided in

Post-mortem examination of bodies of soldiers.

July 1907 that when a professor or teacher of medical jurisprudence in a medical college

or school made a *post-mortem* examination of the body of a British or a native soldier, who had died in circumstances which rendered such examination necessary in order to elucidate the cause of death, the body should not be used for the purpose of practical demonstration to students. The local Governments were asked to issue instructions that no students, whether native or European, should be allowed to be present when such *post-mortem* examinations were being made^e.

25. In connection with the general question of the emoluments of Indian

Medical Service officers in civil employ the

Police Surgeon and Professor of Medical Jurisprudence, Medical College, and Superintendent of the Campbell Medical School and Hospital, Calcutta.

unsatisfactory nature of the arrangement under which the Superintendent of the

Campbell Medical School and Hospital performed also the duties of Police Surgeon and Professor of Medical Jurisprudence in the Medical College, Calcutta, had been represented by the Government of Bengal, but the Government of India were not then in a position to make any recommendation to the Secretary of State on the subject. They considered, however, that the duties of the combined

(a) Disp. no. 74-Pub., d. June 24, 1910.

(b) H. D. letter no. 909, d. Aug. 6, 1910.

(c) { F. D. desp. no. 289, d. Oct. 1, 1908.
Desp. no. 7-Pub., d. Jan. 8, 1909.

(d) { H. D. desp. no. 20, d. July 15, 1909.

{ Desp. no. 141-Pub., d. Oct. 29, 1909.

(e) H. D. letter nos. 655-61, d. July 9, 1907.

office could not be satisfactorily performed by one officer, and in order to relieve the Superintendent of certain of his duties, they recommended the creation of a separate appointment of Police Surgeon and Professor of Medical Jurisprudence in the Medical College on the pay of a first class civil surgeon, *plus* an allowance of Rs. 200 a month for the professorship, on condition that the holder should be debarred from private practice.⁵ The Secretary of State sanctioned this proposal and agreed that the Superintendent should continue to draw a consolidated salary of Rs. 1,500 a month and be allowed the privilege of consulting practice only. He inquired, however, whether, when the post next became vacant, it would not be well to assign to it a rate of pay bearing a certain relation to the consolidated military pay of an Indian Medical Service officer and rising according to his seniority. Lord Minto's Government accordingly suggested to the local Government that future incumbents should be granted, like the Principal of the Grant Medical College, Bombay, an allowance of Rs. 150 a month in addition to the pay attached to professorial appointments.⁶ This proposal having been accepted by the Lieutenant-Governor was recommended to, and approved by, the Secretary of State.⁷

26. In August 1907, the Secretary of State invited the attention of the Government of India to a suggestion made by

Private practitioners and the restriction of the civil cadre of the Indian Medical Service.

Lord George Hamilton in 1900 that it was desirable to promote the growth of an inde-

pendent medical profession in India and asked whether any measures had been taken or were in contemplation to give effect to that policy.⁸ Lord Minto's Government replied in August 1908 that they were in entire sympathy with the object which Lord Morley had in view, that they had addressed local Governments on the subject of creating appointments of medical officers of health which they proposed to fill, whenever possible, by Indian medical men outside the Indian Medical Service, and that, as about one-third of the officers of that service in civil employ did not form part of the real war reserve, there would be no military objections to the transfer to independent practitioners of the civil appointments which they held. They were of opinion, however, that the following considerations must govern any advance in the direction of the appointment of independent medical practitioners to posts now held by the Indian Medical Service, *viz.*, (1) that the advance should be very gradual and tentative and in the main, though not exclusively, from the bottom; (2) that it should be made only as really qualified candidates became available in India; (3) that nothing should be done to lower the efficiency of the medical schools and their hospitals; (4) that a sufficient number of civil appointments be reserved to provide for the economical employment of the war reserve of the Indian Medical Service; and (5) that, in determining what those appointments should be, the necessity of maintaining the attractiveness of the service should be borne in mind.⁹ The Secretary of State agreed generally with these principles and asked the Government of India to suggest measures to give effect to them, after consulting the local Governments. He at the same time decided that no further increase of the civil side of the Indian Medical Service would be allowed and asked the Government of India to consider to what extent it could be reduced and what appointments now held by Indian Medical Service officers could best be filled by civil medical practitioners recruited in India. He said that, if it was found impossible to obtain a

(a) F. D. desp. no. 72, d. March 8, 1906.

(b) Desp. no. 21-Judl., May 11, 1906.

(c) H.D. letter no 681, d. Aug. 1, 1903.

(e) Desp. no. 187-Mily, d. Aug. 9, 1907.

(f) H. D. desp. no. 20, d. Aug. 20, 1903.

(d) { Bengal letter no 274-T-Medl., d. Sept 22, 1906.
F. D. desp. no. 424, d. Dec. 6, 1906.
Desp. no. 23-Pub., d. Feb. 8, 1907.

man from outside the service to fill a particular civil appointment which was newly created or which had not previously been so filled, he would for the present allow the service to be drawn upon, but that the vacancy thus caused must be filled from outside it, so that there might be no increase in the cadre.^a The local Governments were thereupon addressed in February 1909 and were asked to report to what extent they were able to further the object which the Secretary of State and the Government of India had in view by appointing private practitioners to some of the posts at present held by officers of the Indian Medical Service.^b

In 1909, when the staff of the Rangoon General Hospital was increased, a Burman private practitioner was appointed as House Surgeon.^c A civil surgeoncy was subsequently withdrawn from the Indian Medical Service in consequence of the creation of new appointments at the hospital and a European private practitioner domiciled in India was appointed to it for three years in the first instance on a fixed stipend, without any claim to leave allowances or to pension.^d When three new professorships were created at the Lahore Medical College, it was arranged that, as vacancies occurred, three civil surgeoncies in the province would be transferred to civil assistant surgeons.^e In other respects the decision that the civil cadre of the Indian Medical Service was not to be increased was given effect to, and the views of the local Governments as to the possibility of reducing that cadre and as regards the other questions referred to them were under consideration at the end of Lord Minto's term of office.

It was decided that the rule in the Civil Service Regulations which requires medical certificates granted to non-gazetted officers applying for leave by private medical men to be countersigned by Government medical officers might be relaxed to a certain extent. Heads of offices were accordingly authorised to accept, at their discretion, certificates signed by private medical men who possessed certain qualifications to be determined in each province by the local Government.^f

27. In July 1908 the Government of India decided that temporary acting vacancies due to the deputation, for a period not exceeding three months, of a medical officer who held an appointment in their gift but who was serving under the orders of a local Government or Administration might be filled by it without reference to them.^g In November 1908 they authorised the Government of Madras to delegate power to their Surgeon-General to employ, subject to certain conditions, private practitioners and pensioned hospital assistants as temporary hospital assistants in such numbers as might be necessary.^h In January 1909 they empowered the Government of Bombay to appoint any assistant surgeon in the chemical examiners' department to perform the duties of the chemical analyser of the province in addition to his own, as a temporary measure, when no commissioned medical officer was available, and to grant him, while so employed, an allowance of Rs. 100 a month in addition to his pay, and in May 1910 they decided that any assistant surgeon who was appointed to act as chemical examiner in any province should be granted an acting allowance of Rs. 100 a month.ⁱ In May 1909 they authorised the local Governments, to which the power had not already been delegated,

(a) Desp. no. 225 Mily., d. Dec. 11, 1908.

(b) H. D. letter nos. 230-37, d. Feb. 26, 1903.

(c) H. D. letter no. 692, d. June 23, 1909.

(d) H. D. tel. no. 561, d. May 28, 1910.

(e) H. D. letter no. 782, d. July 6, 1909.

(f) H. D. letter no. 610-28, d. June 7, 1910.

(g) H. D. letter no. 887, d. July 30, 1908.

(h) H. D. letter no. 1233, d. Nov. 19, 1908.

(i) { H. D. letter no. 68, d. Jan. 15, 1909.
F. D. letter no. 2094-F. O. & A., d. May 3, 1910.

to sanction, without reference to them, the creation of appointments of civil assistant surgeons.^a Later in the same year they consulted them on the proposals in regard to civil medical administration made by the Royal Commission upon Decentralization^b.

28. The rules issued by Lord Curzon's Government to regulate the receipt by medical officers of Government of fees

Regulation of fees.

for professional services rendered to ruling

chiefs and their families or dependents or Indian gentlemen of high position in a native state proved a source of dissatisfaction to the Indian Medical Service and were found to be difficult to apply. In order to remove the prevailing discontent and at the same time to preserve control over the fees, Lord Minto's Government decided, in July 1907, to cancel the existing rules, which involved direct interference by Government in the matter, and issued a notification directing that a medical officer of Government before demanding or accepting from an Indian gentleman of the status mentioned above any fee for professional services rendered should obtain, by a confidential application made through the local administrative medical officer, the permission of the Director-General, Indian Medical Service, except when fees were calculated at the rate of Rs. 16 a visit or in certain cases Rs. 32 according to recognised custom, and the total amount thus paid for attendance on a patient or his family during any one month did not exceed Rs. 160^c. On a reference from the Government of the Punjab, further orders were issued in September 1907. The Government of India explained that they had decided (1) that the local administrative medical officers should consult the local Government (without disclosing professional details) before forwarding cases to the Director-General, Indian Medical Service, and should communicate the views of the local Government thereon, (2) that the decision of the Director-General, who would consult the Government of India when he differed from the opinion of the local Government, should be final and (3) that no change should be made either in the definition of the word 'fees' as laid down in 1894 or in the procedure indicated in the notification of the 25th July 1893, under which medical officers were required to obtain the special permission of the local Government to attend on a native chief or noble or gentleman of high position only when their attendance involved absence from their ordinary duties for a substantial time^d. In November 1907 the Secretary of State, to whom the notification of July 1907 had been communicated, expressed the opinion that the new procedure under which the Director-General, Indian Medical Service, was to be consulted in these cases was preferable to the old rule, but asked the Government of India to consider whether it was necessary to require special sanction in the case of all fees exceeding the limit of Rs. 16 (or in certain cases Rs. 32) a visit or Rs. 160 a month. He pointed out that the limits laid down were considerably narrower than those in the previous rules as regards native states and were much below the level of the ordinary fees for operations current in the profession, while the application of these stricter rules was extended to all cases of attendance on Indian gentlemen of high position in British India^e. About the same time, the Government of Bombay represented that the new procedure was objectionable

(a) H. D. letter nos. 461-85, d. May 5, 1909.

H. D. letter nos. 818-26, d. July 12, 1909.

(b) H. D. letter nos. 961-63, d. Aug. 11, 1909.

H. D. letter nos. 826-33, d. Mar. 31, 1910.

H. D. letter nos. 343-50, d. Mar. 31, 1910.

(c) H. D. notn. no. 607, d. July 1, 1907.

(d) H. D. letter nos. 980-993, d. Sep. 6, 1907.

(e) Desp. no. 168-Pub., d. Nov. 8, 1907.

as, in their opinion, it empowered the Director-General, Indian Medical Service, to receive and pass judgment on the views of a local Government. They considered that even the limit of Rs. 2,000 up to which the local Government were previously empowered to sanction the acceptance of fees in such cases was too low and unduly restricted their discretion in dealing with such questions and that it was desirable that their powers of control should be extended instead of being further restricted. They took exception in particular to the application of the new orders to the case of fees claimed from native gentlemen of high position in British India, in regard to which, in their opinion, the control of the Government of India was unnecessary^a. In March 1908 the Government of India replied that the main object in view in introducing the new procedure was to divert the consideration of the question of fees as far as possible from the ordinary channel of official business and to place it in the hands of trusted professional advisers who alone were qualified to deal with questions affecting the value of professional services in respect of which the strictest possible privacy could rightly be claimed. They remarked that they had recognised that the value of professional services rendered was not the only question to be considered and that there might be political or other reasons of a general character for refusing to sanction a fee and that it was for this reason that they had directed administrative medical officers to consult local Governments. They admitted, however, that the orders failed to assign to local Governments their appropriate place in the scheme of procedure and proposed that administrative medical officers should acquaint them with the decision at which they and the Director-General, Indian Medical Service, had arrived regarding the amount of the fee from a professional point of view and should take their orders before authorising the medical officer to accept it. They explained further that the new orders were applied to the case of native gentlemen of high position in British India in order to meet the complaint of unfair treatment made by medical officers in native states and also because cases occurred in British India which were closely analogous to those of noblemen in native states. They expressed a decided opinion against any change in the principles on which the new orders were based, as those principles had been accepted by the Secretary of State and the general medical profession in England, but asked for the views of the Government of Bombay on the following points (1) the limit of the fee which might be accepted without reference, (2) the stage at which the local Government should exercise their power of intervention in respect of the non-professional features of the case and (3) the possibility of defining with greater precision the class of Indian gentlemen in whose case the rules should apply^b. The other local Governments and the Foreign Department were also consulted. The Secretary of State, who had, meanwhile, been informed of the object with which the limits laid down in the notification of July 1907 were prescribed, reserved his opinion on the whole question pending receipt of the further report which the Government of India promised to make after receiving replies from the local Governments.

After some further correspondence with local Governments and administrations, the Government of India framed the following draft rules for British India and native states, and reported them to the Secretary of State, for

(a) Bo. letter no. 6059, d. Nov. 28, 1907.

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(b) H. D. letter no. 364, d. Mar. 20, 1908.

approval, by telegraph in May 1910^a :—

- (1) Whenever attendance, whether for an ordinary visit, a consultation, a confinement, or a surgical operation, on a Ruling Chief or his family or dependents, or on an Indian of position who holds a hereditary title conferred or recognized by Government of rank not below that of Raja or Nawab, or his family or dependents, involves the absence of a medical officer from his station, he shall be permitted to demand or receive such fees as may be arranged between himself and the person employing him, provided that he does not, without the special permission of the local Government, obtained as provided below, demand or receive, in addition to his travelling expenses, a higher fee than Rs. 500 a day for the first three days and Rs. 250 a day thereafter, the full daily fee being given for every complete period of 24 hours' absence, with a proportionate fee for periods of less than 24 hours.
- (2) For similar attendance not involving absence from his head quarters a medical officer may demand or receive fees in accordance with the scale which he has fixed for his patients generally.
- (3) Before accepting or demanding from a ruling chief or Indians of position, as referred to in rule (1), fees in excess of the rate laid down in rules (1) and (2) above, a medical officer must report the case confidentially to the local administrative medical officer, who will obtain unofficially, and communicate to him, the orders of the local Government. When taking the orders of Government the administrative medical officer will be careful not to disclose any of the medical particulars of the case.
- (4) Local Governments and administrations shall have full power to dispose of all cases so reported to them, but shall be at liberty to consult the Director-General, Indian Medical Service, or to refer any particular case for the orders of the Government of India.
- (5) The word "fee" in the foregoing rules includes honoraria or presents which may be offered to medical officers for services rendered.

In July 1910 the Secretary of State replied that, while he concurred in the principles underlying the rules proposed by the Government of India, he preferred that they should not be promulgated as definite rules. So far as he was aware, abuses rarely occurred and the objects of Government could, he thought, in future be secured by the control exercised by the responsible heads of departments. He suggested that it would be better to review, by a resolution, the history of the subject and to revert to a policy of reliance on the honour of the service, subject to such departmental discipline and control as would not provoke comment as exceptional and that local Governments and administrations should be informed confidentially that they might rely on full support in dealing severely with cases of undoubted abuse^b. The Government of India informed the Secretary of State in August 1910 that, while they had no doubt that the arrangements suggested by him would be acceptable to the medical profession generally, they were bound to regard the question in the light of the fact that members of the Indian Medical Service were, in quite a considerable number of cases, in the position of monopolists, established in their monopolies by Government, and that it was the duty of Government, for their

(a) H. D. tel. no. 476, d. May 2, 1910.

(b) Tel. from Sec. of State, d. July 6, 1910.

own credit as well as for that of the service, to take effective measures to secure that these monopolies were not abused. They added that, although abuses were fortunately not frequent, they were unable to describe them as rare and that they were convinced that, if all rules were withdrawn, cases would certainly arise which would call for the intervention of Government, and that the discussions which would thereby be provoked would be far more detrimental to the service than the application to it of the settled and very liberal rules which they had proposed in May 1910. The Government of India therefore urged Lord Morley to withdraw his objection to the publication of the proposed rules^a.

29. In March 1910 the Secretary of State forwarded, for the opinion of the

Question of the fees to be charged to patients at Government hospitals.

Government of India, a copy of a letter in which the chairman of the Council of

the British Medical Association took exception to the orders issued by a provincial Government that all patients visiting a hospital supported by public funds were to be regarded as entitled to gratuitous assistance, irrespective of their circumstances, and represented that those orders were likely to discourage the growth of an independent medical profession in India. The local Governments and administrations were asked, in June 1910, to consider the remarks made by the association very carefully and to inform the Government of India of the conclusions at which they arrived and of the action which they were prepared to take in the matter^b.

SANITARY.

1. In December 1907 Lord Minto's Government, after considering certain

Sanitary services—(a) Improvement of the sanitary services in India.

proposals which their Sanitary Commissioner had made in August 1906, consulted

the local Governments on the question of the improvement of the sanitary services in India^c. Local Governments were asked to consider the question whether additional deputy sanitary commissioners were necessary in any of the provinces, and were told that these appointments should not in future be regarded as reserved exclusively for officers of the Indian Medical Service but should be open also to health officers, and that candidates must in all cases possess a degree or diploma in public health. Suggestions were made for the reconstitution of Sanitary Boards and for the grant to those bodies of certain executive functions. The Government of India advocated the proposal, made by the Indian Plague Commission of 1900, that every town with a population of 100,000 inhabitants should have a medical officer of health and that an assistant should be provided for each additional 100,000 inhabitants. They did not think it necessary or expedient to require that all these officers should be Europeans as recommended by the Plague Commission, but considered that they might suitably be recruited from the educated natives of India. They suggested that for the present at least a training in Europe should be insisted upon as a qualification for employment and that the new appointments should be open to both Europeans and natives of India, but that on grounds of economy preference should be given to Indian candidates when men with the necessary qualifications were forthcoming. For towns with a population between 20,000 and 100,000 they proposed that health officers should be recruited from natives of India of the civil assistant surgeon class who, after the completion of their medical training, had taken a special course in public health at medical colleges. They considered it essential that health officers should be debarred from private practice and should be allowed a liberal scale of pay

(a) H. D. des. no. 15, d. Aug. 18, 1910.

(b) { H. D. letter nos. 610-18, d. June 7, 1910.
no. 18, d. June 2, 1910.

(c) H. D. letter nos 1995-2004, d. Dec. 4, 1907.

They recommended the formation of a trained staff of inspectors to superintend conservancy establishments in municipalities and to assist the health officers in their minor sanitary duties, and suggested that a course of instruction based on the standard prescribed by the Royal Sanitary Institute should be prescribed for candidates for these appointments. The Government of Madras, in which presidency there already exists a body of trained sanitary inspectors, were asked to give an account of this system with their opinion on the value of the results obtained and suggestions for improvement in any direction. The views of the local Governments were also invited on the important question whether the medical officers of health and sanitary inspectors should be formed into a regular provincial sanitary service or whether each local authority should be allowed to recruit its own staff independently. They were specially asked to consider how certainty of tenure during good conduct could best be secured for these officers without interfering with the control by local authority of their executive officers. As an alternative to the creation of a provincial service it was suggested that Government might prescribe the minimum number of sanitary appointments for each local authority, the minimum salary to be given to the incumbents and the professional qualifications to be required of them, and, to protect them against arbitrary treatment, might require that no health officer should be removed from office without their sanction and no sanitary inspector without the sanction of the Sanitary Commissioner or the Sanitary Board. The Government of India did not desire to enter into the question of sanitation in rural areas, but suggested that, if a supply of trained sanitary inspectors was brought into existence, local bodies should be encouraged to avail themselves of it. In February of 1908, the Government of Eastern Bengal and Assam asked for an indication of the views of the Government of India on the question of the provision of funds for the scheme outlined by them and suggested that subventions might be made to municipalities from Imperial revenues^a. The local Government was informed in March 1908 that, if any assistance was given to local bodies in connection with the scheme, the charge would be provincial^b.

In June 1907 the Government of India recommended the appointment of a Sanitary Commissioner for Burma^c. They represented to the Secretary of

State that the Inspector-General, Civil Hospitals, was in urgent need of relief

and that it was in their opinion quite impossible for one officer to administer the medical department of a large and growing province like Burma and at the same time to give adequate attention to the improvement of the public health. They proposed that the present appointment of deputy sanitary commissioner should be continued and that the pay of the Sanitary Commissioner should be fixed, as in other provinces, at Rs. 1,500—60—1,800 a month. The Secretary of State sanctioned these proposals in July 1907^d.

In April 1909 the Government of India recommended to the Secretary of State that a separate Sanitary Commissioner should be appointed in the Central Provinces^e. They considered that such an appointment was clearly necessary in the interests of both the medical and sanitary departments and was justified by the area and population of the Central Provinces and by the number of dispensaries to be supervised and controlled. They thought that no marked advance in either urban or rural sanitation was to be expected so long as the

(a) E. B. & A. letter no. 979-M., d. Feb. 14, 1908.

(b) H. D. letter no. 766, d. Mar. 23, 1908.

(c) F. D. des no. 198, d. June 6, 1907.

(d) Des no. 116 (Rev.), d. July 19, 1907.

(e) F. D. des. no. 81, d. April 22, 1909.

existing arrangements continued. They recommended that the pay of the appointment should be fixed at Rs. 1,250 a month rising to Rs. 1,750 by annual increments of Rs. 50, a salary which they thought would be sufficient to induce a junior officer to hold the appointment for a considerable time. The Secretary of State sanctioned this proposal in June 1909^a. In consequence of the appointment of an officer of the Indian Medical Service to the new post, a civil surgeoncy in the Central Provinces previously reserved for the Indian Medical Service was transferred to a civil assistant surgeon^b.

On the representation of the Government of India, the Secretary of State in December 1905 increased the staff allowance sanctioned for deputy sanitary commissioners from Rs. 100 to Rs. 200 a month^c. The higher rate took effect from 1st April 1904, the date from which the general increase of pay for officers of the Indian Medical Service in civil employ was given.

Large drainage schemes for a number of municipalities in Bengal were either in contemplation or in course of preparation and, in order that an accurate survey of the locality in each case might be made and the projects prepared under skilled professional supervision, the local Government in April 1905 recommended the appointment of an Assistant Sanitary Engineer. The proposal was submitted before the partition of the old province, but, after consulting the local Government, the Government of India were satisfied that the reduction in the size of Bengal had not resulted in a corresponding decrease in the work of the Sanitary Engineer. In May 1906, therefore, they obtained the Secretary of State's sanction to the creation of the appointment, for five years in the first instance, on a salary of Rs. 500—40—700 without exchange compensation allowance^d.

In April 1905 Lord Curzon's Government sanctioned the creation as a temporary measure of a separate appointment of Health Officer for Simla as the first step in the direction of improving the sanitary condition of the town. Experience showed that the new appointment should be maintained and in May 1906 the Government of India asked the Secretary of State to sanction it as a permanent measure, recommending that the post should be held by a junior officer of the Indian Medical Service possessing a qualification in public health, and that he should receive a local allowance of Rs. 200 a month in addition to his full regimental pay^e. The Secretary of State sanctioned the proposal in August 1906, on the understanding that the necessity for a separate officer would be open to reconsideration in the event of any material change in the amount of the medical duties of the civil surgeons or in the administrative constitution of the Simla municipality^f.

In February 1909 the Government of the Punjab enquired whether the Government of India proposed to issue any orders as to the class of officers to be appointed health officers in large cities. The Government of India replied that, if these health officers were to be employed by the municipalities, they had no orders to issue regarding the pay to be given to them, but that they considered that no one should be appointed who was not a fully qualified medical practitioner possessing a qualification in public health registrable in England. They added that, if the officers were to be employed by Government and lent to the

(a) Des. no. 69 (Rev.), d. June, 18, 1909.
 (b) H. D. letter no. 1680, d. Oct. 15, 1909.
 (c) Desp. no. 162 (Pub.), d. Dec. 15, 1905.

(d) Desp. no. 85 (Rev.), d. May 4, 1906.
 (e) F. D. des. no. 176, d. May 31, 1906.
 (f) Des. no. 141 (Rev.), d. Aug. 3, 1906.

municipalities, the ordinary financial rules in regard to sanction of salaries would apply and that, if in any case it was proposed to employ an officer of the Indian Medical Service as a health officer, it would be necessary to make a corresponding reduction in the civil medical cadre of the province^a.

2. In November 1905 sanction was given to the entertainment of the subordinate establishment required for the Bacteriological laboratories—(a) Central Research Institute. Central Research Institute which had been created at Kasauli. An assistant to the Director was also appointed, and the preparation of antivenene and other sera was transferred to the Institute from the Pasteur Institute.

In August 1908 the Government of India defined the position of the Director in relation to special investigations ordered to be carried out by the Institute. They decided that such investigations should be conducted under his general control, that officers deputed to the Institute for research work or for work in connection with any investigation controlled by the Institute should be placed directly under his orders and that any funds allotted for such work should also be placed under his control^b.

In May 1906 the Government of India approved a scheme designed to afford opportunities to medical officers other than those employed in the bacteriological department of receiving a training in research work in the laboratories in the various provinces. The scheme was primarily intended to provide facilities for study for volunteers from the Indian Medical Service, but it was arranged that in special cases officers of the Royal Army Medical Corps desiring to prosecute research or to learn technique might be received into the laboratories, provided that they were recommended by Principal Medical Officers and that there was accommodation for them^c. In September 1908 the Government of India sanctioned the introduction at the Central Research Institute of a short course of training in clinical bacteriology and technique for Indian Medical Service officers not belonging to the bacteriological department, whether in civil or military employ, who might desire to learn how to employ bacteriological methods in the diagnosis and treatment of disease^d.

In June 1906 the Secretary of State was asked to sanction a proposal to place the various appointments in the bacteriological laboratories on a permanent footing and to create three additional appointments of Assistant to the Director of the Central Research Institute and one of Assistant to the Director of the King Institute, to be filled by officers of the Indian Medical Service^e. Pending his decision on this proposal, sanction was given to the extension of the deputation at the King Institute, under the orders of the Sanitary Commissioner with the Government of India, of Captain Patton, I.M.S., whom the Madras Government were anxious to retain and whose special work in connection with *kala azar* was still in progress^f. In November 1906 the Secretary of State asked for a report showing in detail the purposes, proceedings and results (so far as results had been obtained since the inception of the scheme) of the researches undertaken in these institutions. A note furnishing this information, compiled by the Sanitary Commissioner, was forwarded to him in June 1907^g. In the following September he accepted the proposals made by the Government of India with

(a) H. D. letter no. 1-S, d. April 1, 1909.

(b) H. D. letter no. 1791, d. Aug. 7, 1908.

(c) H. D. letter no. 928, d. May 21, 1906.

(g) H. D. despatch no. 13, d. June 20, 1907

(d) H. D. letter no. 2084, d. Sep. 24, 1908.

(e) F. D. despatch no. 221, d. June 21, 1906.

(f) F. D. despatch no. 402, d. Nov. 29, 1906.

two slight modifications^a. He was not prepared to sanction a third post of assistant at the Central Research Institute so long as two assistants were retained at the Bombay Bacteriological Laboratory. He decided also that the bacteriological appointments should not be restricted to members of the Indian Medical Service, but that each vacancy should be dealt with by itself as it arose, a temporary addition being made to the cadre of the Indian Medical Service whenever a member of that service was seconded for appointment to a bacteriological post. The Government of India thereupon placed the officers holding bacteriological appointments whose immediate confirmation in the department was considered desirable on one list^b, and at the same time informed the Governments of Madras and Bombay that they did not propose to modify the existing arrangements regarding the administrative control of the King Institute, Guindy, or the Bombay Bacteriological Laboratory^c. In July 1908 they again addressed the Secretary of State with reference to their proposals regarding the appointments in the bacteriological department. They explained that it was impossible to reduce the two appointments of Assistant to the Director at the Bombay Laboratory and that the work of the Central Research Institute had developed so considerably that a third Assistant was necessary^d. The Secretary of State on further consideration agreed to this appointment being created, but was unable to accept the Government of India's proposal that when sanctioned permanent appointments in the bacteriological department are held by officers of the Indian Medical Service they should be treated, for the time being, as cadre appointments for the purpose of calculating the leave and casualty reserve of the service^e.

In May 1908 the Government of Madras were informed, with reference to the publication of a paper by Captain Patton, I.M.S., on certain research work done by him at the King Institute, Madras, that the Government of India adhered to their previous decision that scientific papers recording the results of important investigations undertaken by Government officers at laboratories or elsewhere should, if published by Government, be published in the 'Scientific Memoirs' under the supervision of their Sanitary Commissioner and not separately as 'Laboratory Transactions'; but that they had no objection to the republication in the annual report of a provincial laboratory of papers describing investigations made in the laboratory which the Sanitary Commissioner had already published^f. This decision was communicated to other local Governments.

The Secretary of State sanctioned in 1908 a proposal made by the Sanitary Commissioner that officers of the bacteriological department and other officers of the Indian Medical Service who were deputed to undertake special inquiries regarding specific diseases should be allowed, while so employed, the scale of pay sanctioned for the bacteriological department, and should also be granted, when engaged on investigations in the interior of the country away from the laboratories to which they were attached, an allowance of Rs. 150 a month, with travelling and halting allowances on the usual scale^g.

3. In 1905 the Government of India were led to consider the possibility of an entire change in the arrangements under which pilgrims were detained under observation for five days in a segregation camp at Bombay before

Pilgrim traffic.

(a) Desp. no. 156 (Rev.), d. Sep. 20, 1907.
 (b) H. U. notn. no. 387, d. Feb. 14, 1908.
 (c) H. D. letter nos. 423-24, d. Feb. 15, 1908.
 (d) F. D. desp. no. 211, d. July 28, 1908.

(e) Desp. no. 134 (Rev.), d. Nov. 13, 1908.
 (f) H. D. letter no. 1275, d. May 27, 1908.
 (g) { F. D. desp. no. 254, d. Aug. 20, 1908.
 { Desp. no. 116 (Rev.), d. Oct. 2, 1908.

they were permitted to embark for the Hejaz. During the Haj of 1905-06, when there was an unusually large influx of pilgrims into Bombay, a complete disregard of the warning issued by the local Government recommending an early start led to the almost simultaneous arrival in the port of enormous crowds for whom it was impossible to find accommodation. Notwithstanding all the endeavours of the municipal and local authorities and the Port Health Officer to help them and to alleviate their hardships, the sufferings of the pilgrims were acute and caused an outburst of feeling throughout the country and in the press, with which the Government of India could not but sympathize, since detention in Bombay not only inflicted severe discomfort on the pilgrims, whose funds rapidly became exhausted, but also constituted a grave menace to the health of the general population of the city. Representations were received from the Muhammadan community throughout India urging the abolition of the observation camp at Bombay and the local Government strongly supported the proposal, suggesting as an alternative measure the transfer of the camp to Karachi if detention was to be considered obligatory. The necessity for some modification of the existing system was emphasized by the precession of the Haj into the monsoon and the impossibility during that period of maintaining the arrangements for the segregation of the pilgrims in the Pir Pau camp in Bombay harbour. The Government of India accordingly, after a careful examination of their international obligations and of the manner in which those obligations could be met with the minimum of hardship to the pilgrims, asked in March 1906 for the Secretary of State's sanction to the abolition of the system of observation at Bombay. They proposed instead—(i) that pilgrims on arrival at Bombay should be permitted to embark as soon as a ship was ready for them; (ii) that before embarking they should be subjected to a stringent medical inspection and their clothes and baggage thoroughly disinfected; and (iii) that arrangements should be made at Aden not only for the careful medical inspection of all pilgrim vessels, but also, in the event of cases of plague occurring, for their treatment as infected ships under article 21 of the Paris Convention.* The Secretary of State in reply forwarded a memorandum by Dr. Theodore Thomson of the Local Government Board in which he generally supported the Government of India's interpretation of their international obligations, but pointed out that it might be challenged by some other Government concerned and that the proposal to establish a place of observation at Aden for pilgrims from infected ships seemed open to objection on the ground that there would be a danger of the port being declared infected by other Powers. The Government of Bombay, who were consulted, reported that they considered segregation at Aden so difficult and costly as to be hardly feasible and recommended the establishment of an observation camp on the island of Perim, stating that the existing plague camp there could be extended to meet requirements. Meanwhile, over one thousand pilgrims had arrived in Bombay and, although ships were available to take them away, it was found impossible, owing to monsoon conditions, to open the camp at Pir Pau before the middle of October. The distressing conditions of the previous year were thus repeated, numerous representations were received from public meetings and the leaders of the Muhammadan community and, in view of the gravity of the situation, the Government of India in September 1906, in exercise of the discretion given to them by the Secretary of State, abolished the system of segregation at Bombay and asked the local Government to permit pilgrims to

(*) H. D. desp. no. 7, d. Mar. 29, 1906.

embark at once from Bombay on condition (i) that the ship was completely cleansed and freed from rats by means of the Clayton process under the direction of the Port Health Officer, (ii) that ample hospital accommodation was provided on board, (iii) that before embarkation pilgrims were medically examined and their clothes and baggage disinfected, (iv) that, the ship underwent further medical inspection both at Aden and at Perim and (v) that, if plague appeared on board, telegraphic information was sent from Aden to Perim, where the persons attacked must be landed and placed under observation in the existing plague camp, pending the construction of the pilgrim camp, the ship being allowed to proceed to Camaran. The local Government were also asked to establish immediately a properly equipped observation station with huts for 1,200 pilgrims on the island of Perim on a site completely isolated from the port and coaling station and to place in charge of it an Indian Medical Service officer with experience of plague assisted by a sufficient subordinate staff^a. The Secretary of State was informed of the action taken^b. While these matters were being considered, the British Ambassador at Constantinople informed the Government of India that Imperial sanction was awaited to a proposal made by the Constantinople Board of Health to reduce the quarantine at Camaran from ten to five days, provided that pilgrims were isolated at Bombay for five days before embarkation, that quarantine dues were paid by the captains of the pilgrim ships in a lump and on the understanding that further quarantine would be imposed as a penal measure for non-payment of dues, no pilgrims being exempted as previously on the ground of indigence. The accepted policy of the Government of India was against the latter conditions, while they were informed by the leading Muhammadans that the pilgrims preferred detention for ten days at Camaran to five days at Bombay and five days at Camaran. In the circumstances, therefore, and in view of the decision reached regarding the Bombay arrangements, nothing came of the proposal, which was eventually rejected by the Sultan.

The Government of India have always refrained from insisting upon the purchase of return tickets by pilgrims, on account both of the practical difficulties attending the introduction of any system of compulsion and of the objection that such action, by preventing the poorer classes from proceeding to the Hejaz, might be construed as an interference with the discharge of a religious duty. In view, however, of the fact that every year large numbers of pilgrims are left in the Hejaz in a destitute condition without the means of returning to their homes and of the success which had attended the system of prepayment by pilgrims of the cost of a return railway ticket from Bombay, they asked the local Governments in November 1905 whether it would not be possible to require the pilgrims, in their own interests, to provide for their return to India by the purchase of return steamer tickets before their departure^c. The opinions of the leading Muhammadans and Anjumans which were obtained and forwarded by local Governments showed that the great majority of the community were strongly opposed to the proposal. It was represented that many of the pilgrims stayed in Arabia permanently, that some of them embarked with this intention and that a considerable number of them who belonged to Central Asia and Afghanistan made their way to their homes overland instead of returning by sea. It was further stated that, owing to competition between steamers and to charitable assistance from pious

(a) H. D. tel. no. 1661, d. Sep. 31, 1906.

(b) H. D. tel. no. 1660, d. Sep. 18, 1906.

(c) H. D. letter nos. 2033-2047, d. Nov. 27, 1905.

Muhammadans in Jeddah, poor pilgrims were often enabled to obtain return passages to India for very small sums or for nothing at all, that, if a system of return tickets were introduced it would be difficult to arrange that pilgrims should find steamers of the line by which their tickets entitled them to travel ready to start from Jeddah when they wished to leave, and that it was quite impossible to induce the various companies to work in combination. For these reasons the Government of India decided in May 1907 to abandon the proposal finally^a. At the same time they requested the local Governments to adopt such measures as they might find feasible to bring to the notice of intending pilgrims the advisability of depositing with the Vice-Consul at Jeddah, on arrival, a sufficient sum of money to secure their return passage to India. They also asked the Consul at Jeddah to instruct the Vice-Consul to encourage Indian pilgrims to do this.

In 1910 the question whether pilgrims ought to be required to take return tickets or whether measures could be taken to prevent their being left stranded at Jeddah with insufficient means to pay for the return journey was revived and referred to the Government of Bombay, as the steamship companies during the Haj of 1909-10 combined and at one time demanded extortionate amounts for return tickets.

In March 1908 the Secretary of State suggested that the question of the relief and repatriation of destitute Indian pilgrims in Arabia should be taken in hand in a systematic way by the wealthier classes of Indian Muhammadans. He agreed with the opinion which had been expressed by Lord Minto's Government that the initiative as regards the better organisation of relief must be left to the Muhammadan community, but he desired that any voluntary movement in this direction should receive sympathy and support from Government^b. The local Governments were asked to communicate the Secretary of State's views to the Anjumans and to influential Muhammadans in their provinces, and in July 1908 the Government of Bombay reported that they were arranging for the appointment of a non-official committee of Muhammadan gentlemen in Bombay to assist in the control of the pilgrim traffic and that measures for the repatriation of indigent pilgrims (especially those left stranded in Bombay) would be one of the chief objects to which the committee would devote its attention.

As there was an outbreak of cholera at Camaran among the crew of the S.S. *Alavia*, an Indian pilgrim ship, in 1908, and, as cases had occurred among the Indian pilgrims landed at Camaran in the year before, the British Delegate on the Board of Health at Constantinople suggested that an observation camp for pilgrims should be reopened in India, and the Secretary of State asked the Government of India for their views on this proposal. Lord Minto's Government, after consulting the Consul at Jeddah as to the condition of the port when the *Alavia* arrived at Camaran and the Government of Bombay regarding the actual inspection of the ship at Aden^c, forwarded to the Secretary of State a memorandum in which their Sanitary Commissioner showed that, after a careful examination of the evidence available, he had arrived at the following conclusions, *viz.*, (1) that Dr. Olemow's suggestion that the Hejaz was infected from India in 1907 and 1908 was not correct; (2) that he was wrong in thinking that the immunity of the Hejaz from cholera from 1897 to 1906 was due to the detention of pilgrims under observation in Bombay; and (3) that the re-establishment of observation camps would not afford any protection

(a) { H. D. letter nos. 733-742, d. May 18, 1907.
{ H. D. letter no. 744, d. May 18, 1907.

{ (b) Desp. no. 28 (Rev.), d. Mar. 6, 1908.
{ (c) H. D. letter nos. 229 and 230, d. Feb. 5, 1909.

against outbreaks, apparently from "latent microbism," such as occurred at Camaran in 1907 and 1908. Lord Minto's Government entirely agreed with their Sanitary Commissioner and expressed their inability to accept the proposal that the system of observation which had been abandoned in 1906 should be re-established^a. The Secretary of State accepted this decision.

As complaints had been made regarding the efficiency of some of the medical officers appointed to the charge of pilgrim ships, the Government of India decided in 1909 that all such officers must possess in future a degree or a license of a recognised British or Indian University or the qualification of a military assistant surgeon^b.

Lord Minto's Government made representations to the Secretary of State regarding the enforcement by the Turkish authorities of a rule long ignored, requiring the captains of pilgrim ships to pay the quarantine dues of all pilgrims on board their ships *en bloc*, regarding the period of quarantine imposed on Indian pilgrims at Camaran, regarding the rate of exchange allowed to them, regarding the passport regulations and regarding the insufficiency of the hospital arrangements at Jeddah. They also obtained from the Consul at Jeddah full information regarding the charges levied from Indian pilgrims in the Hejaz and arranged to have copies of a memorandum containing this information translated into the vernaculars and distributed to pilgrims with the passport forms.

4. The desirability of adopting special measures in the adjoining municipality in order to prevent the spread of
 Venereal disease in cantonments. venereal disease in the cantonment of

Rangoon had engaged the attention of Lord Curzon's Government, which suggested to the Government of Burma that certain sections of the Cantonment Code should be extended to the prostitutes' quarter of the municipality, special safe-guards being applied to prevent friction between the civil and military authorities and an improper use of the powers conferred. The local Government proposed to take action on a wider scale and submitted a scheme for the establishment of separate hospitals for the treatment of venereal diseases under the provisions of the Cantonment Code within the municipal limits of Rangoon, Mandalay, Meiktila and Maymyo. As regards Rangoon the Government of India agreed to the establishment of a separate hospital on a part of the site of the old General Hospital and to the junior civil surgeon being placed in charge of it, but they decided that the Municipal Health Officer, who from his official position ought to possess a better knowledge of the prostitutes' quarter, should sign or countersign notices issued under section 203 of the Cantonment Code. The proposal of the local Government to dispense with the countersignature of the President of the Municipal Committee to reports under section 204 was not accepted and it was pointed out that, on account of his knowledge of the locality and the status of the women, he would be regarded by the people as impartial, and that the double check on the action of the Commanding Officer secured by the countersignatures of both the President of the Municipal Committee and the Deputy Commissioner was likely to remove any objection on the part of the public. In view of the serious objections against venturing in a number of places at once on the wide powers of interference which the rules under the Cantonment Code confer, the Government of India did not agree to the extension of the scheme to other municipalities than Rangoon until experience had shown

(a) H. D. de p. no. 35, d. Dec. 23, 1909.

(b) H. D. desp. no. 36, d. Dec. 23, 1909.

whether it proved successful. It was decided that the whole charge on account of the arrangements at Rangoon should be borne by the Cantonment fund and the local Government was asked to consult the Lieutenant-General Commanding and to furnish his opinion on the proposal^a.

The Government of Burma reported in January 1907 that steps would be taken to give effect to the arrangements approved by the Government of India. The Secretary of State was then asked to sanction the grant of an allowance of Rs. 100 a month to the junior civil surgeon, Rangoon, for holding charge of the hospital^b and agreed to the proposal in June 1907^c.

5. In 1903 a standing committee was formed, on the recommendation of

Special investigations—(a) Enteric fever.

His Excellency the Commander-in-Chief, for the purpose of investigating problems connected with the prevalence of enteric fever in India. The Sanitary Commissioner with the Government of India and three officers from the Central Research Institute and the Pasteur Institute at Kasauli were appointed members of this committee^d and an enquiry, which lasted until 1908, into the origin and prophylaxis of enteric fever was undertaken by the Central Research Institute, the staff of which was temporarily strengthened for the purpose.

With the approval of the Government of India, the Government of the Punjab appointed in September 1908 a committee to investigate the causes of an outbreak of enteric fever in Simla and to report the measures of prevention required^e. The committee recommended that the notification of cases of enteric fever should be made compulsory, that special arrangements should be made for carrying out in Simla bacteriological examinations in connection with enteric fever, that special hospital accommodation should be provided for patients suffering from this disease, that stricter supervision should be exercised over the milk supply, that the water supply should be increased, and that the conservancy arrangements should be improved. No immediate improvement in the water supply was possible pending the completion of the Simla hydro-electric scheme, but steps had been taken or were being taken, at the end of Lord Minto's term of office, to carry out, as far as possible, the other recommendations of the committee.

In January 1907 the Duars' Planters' Association addressed the Lieutenant

(b) Blackwater and other fevers in the Duars.

Governor of Eastern Bengal and Assam and requested Government to arrange for an

investigation by the Liverpool School of Tropical Medicine of the fevers prevalent in the Duars, and, more particularly, blackwater fever. The local Government was also addressed on the subject by the India Tea Association and by the Bengal Chamber of Commerce. The Government of India considered that it was unnecessary to seek the help of the Liverpool School, as many important researches in connection with the etiology of malaria had been made by officers of the Indian Medical Service, and as there were available in India officers not only of undoubted ability and established scientific reputation, but possessing an intimate knowledge of the people of the country. They decided that the inquiry should be undertaken by the Central Research Institute, assisted by an advisory committee consisting of the Sanitary Commissioner with the Government of India, the Director of the Central Research Institute, the Professor of Pathology, Medical College, Calcutta, Major S. P. James, I.M.S., and Captain Christophers, I.M.S., the Sanitary Commissioner having power

(a) H. D. letter no. 1729, d. Sep. 26, 1906.

(b) H. D. despatch no. 157, d. May 2, 1907.

(c) Despatch no. 99 (Rev.), d. June 28, 1907.

(d) H. D. letter no. 1145, d. July 4, 1906.

(e) Punjab letter no. 2855-S, M. & S., d. Sep. 18, 1908.

to add other members. They were advised that the first stage of the investigation should be a careful survey of existing conditions in the tea gardens of the Duars, with special reference to the precautions already adopted against malarial fever and to the existence, particularly among the natives, of black-water fever or other undifferentiated fevers. For this preliminary inquiry they selected Mr. O. A. Bentley, who was specially recommended by Sir Patrick Manson and the Liverpool School of Tropical Medicine. The Secretary of State, who had been addressed on the subject by Dr. Ronald Ross of the Liverpool School, was informed of this decision in June 1907. In October Captain Christophers, I.M.S., was placed on special duty to conduct, with Mr. Bentley, the inquiry in the Duars. Their investigation terminated on the 15th January 1909, and a preliminary report was published in the Scientific Memoirs. Their final report, containing their practical recommendations, and the views of the advisory committee on their conclusions was received in August 1909. Captain Christophers and Mr. Bentley held that the excessive prevalence of malaria in the Duars was due to the aggregation of labour on the tea gardens and to the conditions of "physiological poverty" in which the greater part of this population lived, and that the movement of the cooly population from the Duars tended to create fresh foci of malaria and thus to spread the disease to other parts of the country. They described the condition of the cooly population of the tea gardens as deplorable and raised an extremely difficult question by their adverse comparison of the free system of labour as it existed in the Duars with the system of statutory recruitment and control which existed in Assam and to the abolition of which Government were practically committed. They further suggested that the epidemics of malaria in the districts north of Calcutta and in other parts of Bengal were due to what they called "the factor of the tropical aggregation of labour."

Lord Minto's Government had no doubt that the publication of this important report without comment or without any expression of the intentions of Government would arouse very bitter attacks on the labour system described in it, and thought it important that they should, if possible, be in a position to announce, simultaneously with the publication of the report, the measures which they proposed to take to deal with the serious condition of things depicted in it. They therefore asked the Lieutenant-Governor of Eastern Bengal and Assam whether he could show that any of the statements of fact in the report were inaccurate or that the opinions expressed by the authors were in any material respect overdrawn, and whether, if he admitted the accuracy of the main conclusions arrived at, he could within a reasonable time make practical suggestions for remedying the evils described in the report. Sir Lancelot Hare thereupon recommended that a committee should be appointed to make further inquiries into the facts and to advise Government regarding remedial measures. After some correspondence with the local Government, Lord Minto's Government decided in March 1910 that the committee should consist of Mr. Monahan, the Commissioner of the Rajshahi Division, as president, and of four members, *viz.*, an officer of the Indian Civil Service acquainted with the Bengal districts in which the coolies were principally recruited, a medical officer selected by themselves and another selected by the local Government, and a representative of the tea industry. The committee, which was appointed under the orders of the Lieutenant-Governor in April 1910, was instructed to

(a) H. D. letter no. 655, d. Apl. 30, 1907.
(b) H. D. despatch no. 11, d. June 20, 1907.

(c) H. D. letter no. 1556, d. Sep. 21, 1909.
(d) H. D. letter no. 507, d. Mar. 12, 1910.

inquire into the actual conditions in which tea-garden coolies lived, to collect information regarding wages, number of working days, housing, food, water-supply, sanitary and medical arrangements; to inquire into the condition of the population living in *bastis* close to tea gardens, into the treatment of new coolies, the extent to which coolies engaged in cultivation or other subsidiary employments, and whether the Duars system of working under sardars had an injurious effect on the health and well being of coolies; to compare the condition of coolies on gardens where payments were made to coolies direct and where they were made through sardars; after examining the sanitary condition of selected gardens to prepare model schemes of improvement; and to inquire into the value of the existing vital statistics and to advise whether compulsory registration ought not to be insisted on^a. It was finally instructed to advise Government whether legislation was necessary to enforce proper medical and sanitary arrangements, and although, as stated above, Government were practically committed to the abolition of any system of statutory recruitment, it was not restricted to making suggestions which would involve no interference with the Duars labour system.

In March 1906 the Government of Bengal appointed a committee to

(c) Malaria.

investigate the question of the prevalence of malarial fever in the Presidency division, their attention being particularly directed to the obstruction of drainage which was known to be the main cause of malaria. The objects of the inquiry were:—to ascertain in what areas malaria was prevalent; to investigate the causes of the disease and to determine whether, in any particular area, it was due to obstructed drainage, and specially, if so, whether a drainage scheme was practicable; and to prepare a list of practicable drainage schemes in the Presidency division arranged in order of urgency. In the autumn of the same year the services of two officers of the Indian Medical Service, who had undergone a course of bacteriological training in the Central Research Institute, were placed at the disposal of the Government of Bengal to assist this committee in its investigations. The committee, which reported in 1907, in addition to submitting proposals for drainage schemes, recommended that further systematic and organized inquiries should be made regarding the local medical conditions and the existing obstructions to drainage. The Government of Bengal, on a consideration of this report, decided, *inter alia*, that an inquiry should be made during each fever season in order to determine the exact prevalence of malaria in individual thanas, the extent to which deaths reported from "fever" were in reality due to malaria, and the conditions governing the distribution of the disease which might form a basis for remedial action. The services of Captain Forster, I.M.S., were placed at the disposal of the local Government from June 1908 till the end of March 1909 to conduct these inquiries^b.

There was an exceptionally severe outbreak of malaria in the United Provinces and the Punjab in the autumn of 1908 and a severe though less serious epidemic in the city of Bombay^c. The Government of the United Provinces placed an Indian Medical Service officer on special duty to investigate the cause of the outbreak in those provinces. The Government of India entrusted a similar inquiry in the Punjab to the Central Research Institute, appointing Captain Christophers, I.M.S., to conduct it under the general supervision of the Director^d. They also placed the services of Captain McKendrick, I.M.S., and,

(a) E. B. & A. letter no. 50-M. T., d. Mar. 31, 1910.
(b) H. D. letter no. 1470, d. June. 22, 1908.

(c) H. D. letter no. 2413, d. Nov. 30, 1908.
(d) H. D. letter no. 96, d. Jan. 10, 1909.

when he had to be withdrawn, of Mr. Bentley, formerly employed on the inquiry into fever in the Duars, temporarily at the disposal of the Government of Bombay to inquire into the epidemic in the island of Bombay.

In 1909 the Sanitary Commissioner with the Government of India submitted proposals for the establishment in India of a permanent organization to deal with problems regarding malaria and for the co-ordination of the investigations which were being carried on in the various provinces. Lord Minto's Government, considering the question to be of the greatest importance, decided to invite each local Government to send three delegates, an experienced executive officer, a medical officer and an Indian gentleman, to discuss the action to be taken by Government in regard to malaria in India in conference with the Hon'ble Member and the Secretary in the Home Department, the Principal Medical Officer in India, the Director General, Indian Medical Service, the Sanitary Commissioner with the Government of India and other representatives of the Central Government and of Army Head Quarters^a. The Conference, which assembled in Simla on the 12th October 1909, was opened with an address by His Excellency the Viceroy. It recommended that systematic investigations should be made regarding the epidemiology and endemiology of malaria and approved of the organization outlined by the Sanitary Commissioner, *viz.*, a Central Scientific Committee to direct and co-ordinate investigations, local organizations in each province to work under the local Governments in consultation with the Central Committee and an annual conference consisting of the Central Committee and delegates from each provincial committee to review the work done and to prepare a programme for future work. The Conference made recommendations regarding the destruction of mosquitoes, quinine treatment and prophylaxis and the education of the people in matters relating to malaria and hygiene. They advised that the sanitary department in each province should be organized with reference not only to general sanitation, but also to the suppression of malaria, and urged that local Governments, municipalities and local boards should make special allotments of funds every year for the investigation of problems connected with malaria and malaria prevention. Lord Minto's Government in February 1910 informed local Governments that the Central Scientific Committee recommended by the Conference had been established and explained to them the work which would be undertaken by the Central Research Institute under the supervision of the committee^b. They urged the formation of provincial committees and the preparation of a malarial survey of each province. They also arranged for a class to be held at Amritsar by Captain Christophers of the Central Research Institute, for the training of selected provincial officers in the latest methods of malarial research. The recommendation of the Conference that the Sanitary Department should be organised with a view to the suppression of malaria and the proposals of several local Governments for the appointment of special malaria officers were considered by Lord Minto's Government in connection with the general scheme for the improvement of the sanitary services, regarding which final orders had not been issued at the conclusion of Lord Minto's term of office. Arrangements were made, however, for the appointment of special malaria officers in Bengal, the Punjab, and Eastern Bengal and Assam.

Endeavours were made by several local Governments to improve the arrangements for the distribution of quinine, and the Government of Eastern Bengal and Assam was permitted to substitute, as an experimental measure,

(a) H. D. letter nos. 1876-1853, d. Aug. 12, 1909.

(b) H. D. letter nos. 242-249, d. Feb. 2, 1910.

hydrochloride of quinine for the sulphate previously distributed in the province from the Bengal factory.

In 1906, on the recommendation of their Sanitary Commissioner, the Government of India placed Captain

(d) Dysentery in jails.

W. C. H. Forster, I.M.S., officiating

Deputy Sanitary Commissioner in the Punjab, on special duty for the purpose of investigating the causation, prophylaxis and treatment of dysentery in jails and lunatic asylums. In 1908 this inquiry was merged in an inquiry into the etiology of dysentery among troops which was being made by the Central Research Institute^a and was carried on by the Institute, at first at Kasauli and afterwards at Bombay and in Bengal.

In November 1909 the Central Research Institute was instructed to undertake an inquiry regarding an outbreak of

(e) Other inquiries.

epidemic dropsy or beri-beri in Calcutta

and its suburbs. The inquiry was entrusted to Captain Greig, I.M.S. In 1910 Captain Patton, I.M.S., Assistant to the Director of the King Institute, Guindy, was placed on special duty to investigate the disease known as Delhi sore.

6. In September 1907 the Government of Eastern Bengal and Assam requested that it might be given power

Vaccination.

to extend the Bengal Vaccination Act,

1880 (V of 1880), to towns and selected rural areas in Eastern Bengal and Assam which were not municipalities, stations or unions, after ascertaining in each case what the wishes of the people were by the issue of a preliminary notification^b. Lord Minto's Government replied that in Bengal the Act had been extended to very few areas outside municipalities, and that they thought it necessary to proceed very cautiously in such a matter at a time when the action suggested by the local Government might conceivably be made the subject of an attack by political agitators in the province^c. They therefore inquired whether it would not be sufficient to provide increased facilities for voluntary vaccination in the areas referred to and to encourage the people to use them by such means as the district officers might find practicable. The Lieutenant-Governor adopted this suggestion^d.

In April 1908 sanction was given to the appointment of a military assistant surgeon as Superintendent of the Punjab Vaccine Institute and the officer selected for the post was deputed for training at the Pasteur Institute, Kasauli. In August the Government of Bombay proposed the addition of an officer to the cadre of the Indian Medical Service for employment as Superintendent of the Vaccine Depot at Belgaum. The Government of India did not think that it had been shown conclusively that the efficient management and control of the depot could only be secured by the appointment of a wholetime commissioned officer. They therefore informed the Government of Bombay of the arrangement made in the Punjab and asked them to consider whether the depot at Belgaum could not be placed in charge of a trained military or civil assistant surgeon^e. They agreed, however, in 1909, after considering a further representation from the Government of Bombay, to recommend that a commissioned medical officer should be appointed as Superintendent of this depot, on the understanding that the arrangement was not to involve an increase in the civil medical cadre in Bombay.

(a) H. D. letter no. 253, d. Jan. 28, 1908.

(b) E. B. and A. letter no. 3538-M., d. Sep. 7, 1907.

(c) H. D. letter no. 1630, d. Oct. 1, 1907.

(d) E. B. and A. letter no. 5607-M., d. Dec. 23, 1907.

(e) H. D. letter no. 948, d. Apr. 22, 1909.

(f) H. D. letter no. 2193, d. Oct. 15, 1908.

During Lord Minto's term of office the effects of vaccination in reducing the ravages of small-pox in this country were examined and a short account of small-pox and vaccination in India was published by Major James, Indian Medical Service, Statistical Officer to the Government of India in the Medical and Sanitary Departments.

7. In January 1907, the Secretary of State forwarded a letter in which the Colonial Office suggested that the Government of India should be asked to furnish any information and reports in their possession regarding the regional or seasonal prevalence of this disease in India and also to furnish timely information to emigration agents of any outbreaks which might occur in future, in order that, if found advisable, recruiting might be stopped in the region of the outbreak, or that the coolies recruited there might be subjected to special surveillance.^a Lord Minto's Government replied that civil surgeons and medical officers in charge of dispensaries had been instructed to give immediate information of the occurrence of a case of cerebro-spinal meningitis in a recruiting district to the administrative medical officer of the province for communication to the Protector of Emigrants and the emigration agents concerned, but that they were unable to furnish trustworthy statistics regarding the regional and seasonal prevalence of the fever^b. They forwarded, however, a statement showing the incidence of the disease among jail prisoners for a period of ten years, and a report containing a summary of Indian literature on the subject.

8. In November 1907, the Secretary of State, after consulting the Government of India, appointed Surgeon-General Sir Benjamin Franklin to represent India at the conference to be held in Rome in December 1907 to consider the establishment of an International Health Bureau^c. In the correspondence the Government of India stated that it was difficult to suggest precise instructions for Sir Benjamin Franklin's guidance, but that their general view was that no condition should be made binding on India, until they had an opportunity of considering it, and that, if an International Bureau was established, they should have an independent representative on the committee, well acquainted with Indian conditions and sanitary questions and in direct communication with them.^d Sir Benjamin Franklin was afterwards appointed to be the representative of India on the Bureau when it was established.

The Secretary of State sanctioned the deputation of four officers of the sanitary and bacteriological departments, then on leave in England, to the International Congress for Hygiene and Demography, held in Berlin in September 1907^e.

In March 1910 Major Hooton, I.M.S., was deputed to attend a meeting of the Far Eastern Association of Tropical medicine held at Manila.

9. Lord Curzon's Government had asked the Secretary of State to engage, in consultation with the Royal Commission on Sewage Disposal, an expert to report on septic tanks in Bengal. Dr. Fowler, who had been in charge of the Manchester Sewage Works for nine years, was selected by the Commission and arrived in India in January 1906, on

(a) Des. no. 1 (Pub.), d. Jan 4, 1907.

(b) H. D. desp. no. 10, d. June 13, 1907.

(c) Desp. no. 127 (Rev.), d. Aug. 2, 1907.

(c) I. O. letter no. 8343-R. & S., d. Nov. 29, 1907.

(d) Tel. to S. of S., no 1766, d. Oct. 24, 1907.

a four months' engagement. Before his arrival, the Government of Bengal carefully reviewed the report of the Committee which had been appointed to examine the working of the septic tank installations on the banks of the Hooghly and came to the conclusion that, if their recommendations for the improvement of the installations were carried out and if the effluent was further suitably treated with chlorinated lime, the resulting discharge would be free from objection from a chemical and a bacteriological point of view. Orders were accordingly issued by the local Government directing that the existing installations should be improved and properly worked and permitting the construction of new installations, subject to the provision that no installation should be erected nearer to the intakes of the Calcutta and Howrah water-supply than those which at present exist, without its special orders. Dr. Fowler returned to England on the termination of his work in Bengal.

In April 1906 the Government of Bengal submitted a report by its Sanitary Commissioner on the septic tank installation at Muzaffarpore which showed that, although its working was on the whole successful, it was neither an improvement on the hand-removal system nor economical from a financial point of view. Notes by the Sanitary Commissioner, Bengal, on the bacteriological and chemical examination of Hooghly water and on the use of the chlorido of lime in sterilizing septic tank effluents were circulated to local Governments and communicated to the India Office. The Government of Bengal, on being asked whether the owners of mills on the banks of the Hooghly had been directed to adopt the chlorinating process of sterilizing the effluent from their septic tank installations, forwarded copies of rules laid down by the Lieutenant-Governor under the Indian Factories Act for the proper working and supervision of septic tank latrines, and intimated that the factory inspectors had been instructed to see that the chlorinating process was carried out satisfactorily. Major J. Chaytor White, I.M.S., of the sanitary department of the United Provinces, was placed, while on leave, on special duty in England for the purpose of visiting the principal sewage installations in the country. In November 1908, after consulting the Government of Bengal, the Government of India circulated Dr. Fowler's report on septic tanks in Bengal and the purification of sewage to other local Governments.

The Government of the United Provinces submitted a proposal for the employment of a sewage chemist on a salary of Rs. 400—50—500, in connection with an important drainage scheme being carried out at Lucknow, and for the training of subordinates for employment on drainage work in other towns of the province. The Government of India requested the Secretary of State in January 1908 to sanction the proposal and asked him to engage a well qualified man who had received a practical training for at least three years in a laboratory connected with a municipal sewage-disposal installation^b. The Secretary of State in his reply suggested that posts of this character, for which no high degree of expert knowledge was required, should, if possible, be filled by persons domiciled in India and trained in the technical schools of the country. The Government of the United Provinces was thereupon asked to reconsider its proposal in the light of the Secretary of State's remarks

10. In June 1908 the Government of India informed the Secretary of State that they were willing that the adherence of India to the Convention framed at the

Adherence of India to the Paris Sanitary Convention of 1903.

(a) Bengal resn. no. 41-S., d. Jan. 6, 1906.

(c) Des. no. 22 (Rev.), d. Feb. 28, 1908.

(b) F. D. des. no. 22, d. Jan. 16, 1908.

International Sanitary Conference at Paris in 1903 and ratified by His Majesty's Government in March 1907 should be notified subject to the following five reservations^a.:—

- (i) a reservation to the effect that the provisions of the Convention in respect of plague only should apply to India, the provisions of the Paris Convention of 1894 continuing to apply as regards cholera :
- (ii) a reservation as to article 93, which required all sanitary imposts leviable on pilgrims to be included in the initial price of the pilgrims' tickets :
- (iii) a reservation as to article 93, to the effect that in computing the accommodation to be provided on pilgrim ships for pilgrims, no account should be taken of children in arms :
- (iv) a reservation as to article 110, to the effect that it should not be necessary to enter in the list the names of female passengers :
- (v) a reservation as to article 92, that the Government of India accepted no responsibility in respect of British ships carrying pilgrims from ports in the Persian Gulf towards the Hejaz.

The accession of India to the Convention was notified to the Government of the French Republic by His Majesty's Ambassador at Paris in October 1908, and was announced by the Government of India in January 1909. The Government of Bombay were at the same time requested to prepare a redraft of the rules under the Pilgrim Ships Act, 1895, so as to bring them into accord with the Convention.^b The draft of the revised rules prepared by the Government of Bombay was published for criticism in August 1910.^c

11. In January 1906, on the occasion of the Magh Mela at Allahabad, where a few cases of cholera had occurred, the Government of the United Provinces asked that powers might be delegated to it under the Epidemic Diseases Act in respect of cholera to enable it to take prompt measures in the event of an emergency. The local Government was informed that the accepted policy of the Government of India prevented them from delegating powers to deal with cholera, but was requested to ask for orders by telegraph if the Lieutenant-Governor considered it absolutely unavoidable that the fair should be closed. The other local Governments were also informed of the views of the Government of India.

12. Early in 1908 Mr. Haffkine, after visiting the Jharia coal-fields during an epidemic of cholera, submitted a report on the inoculations he had recently performed and asked that a special staff might be appointed to assist him in systematic anti-cholera inoculation. The Government of Bengal, to which this proposal was referred, reported that in its opinion systematic inoculation among the coolie population was likely to result in a disorganization of labour, while at the most it would only afford temporary benefit and would not be so efficient as the ordinary preventive measures against cholera. It considered it inadvisable for Government to participate in Mr. Haffkine's scheme and decided not to appoint the staff he asked for.^d In July 1908, in view of a serious misadventure with anti-cholera virus in Manila, the Government of India asked Mr. Haffkine to submit a report regarding the

(a) H. D. des. no. 14, d. June 25, 1908.

(b) { H. D. resn. no. 30, d. Jan. 12, 1909.
H. D. letter nos. 31-35, d. Jan. 12, 1909.

(c) H. D. notn. no. 1433, d. Aug. 6, 1910.

(d) Bengal letter no 366-T. San., d. June 4, 1908.

technique of his method of anti-cholera inoculation and the precautions he adopted to secure the purity of his vaccine up to the time of inoculation. After considering this report they permitted him to continue his anti-cholera inoculations on the understanding that no one would be inoculated who did not wish to submit to the operation, that all inoculations would be made by him personally or under his direct supervision, and that he accepted personal responsibility for all the vaccine used*.

13. In March 1910 Lord Minto's Government addressed the Secretary of State with reference to the question of framing Rules under the Indian Ports Act, 1908, and proposed amendment of the Act. for Indian ports a uniform code of sanitary regulations, applicable not only to plague but to other diseases, whether common or uncommon in India. They pointed out that under the law as it stands at present all dangerous, infectious or contagious diseases occurring on vessels coming to or leaving or being in Indian ports have to be dealt with by means of three separate sets of rules, *viz.*, (1) rules under the Indian Ports Act, 1908 (XV of 1908), for diseases common in India occurring (a) on a vessel entering or being in an Indian port, or (b) within twelve days of such entry; (2) rule under the Indian Ports Act for diseases uncommon in India (a) where a case occurs on a vessel entering or being in an Indian port or within twelve days of such entry, or (b) where a vessel enters an Indian port from a port believed to be infected by a disease uncommon in India or has on board a person transhipped from a vessel coming from an infected port, or (c) where a vessel leaves an Indian port which is infected by a disease uncommon in India; and (3), temporary regulations under the Epidemic Diseases Act, 1897 (III of 1897), for the prevention of plague. They thought it was clear that the use of three sets of rules must give rise to confusion and misunderstanding on the part of the officers who administered them and still more on the part of the commanders and doctors of vessels who had to comply with them. They had therefore caused their Sanitary Commissioner to draft a set of rules, (a copy of which they enclosed) which could be applied in the case both of plague and of the diseases other than plague recited in the preamble, and which could be extended in future to any other diseases which they might notify to be dangerous, infectious or contagious. The draft rules had been carefully examined, in consultation with the Sanitary Commissioner, by the Port Health Officer of Bombay, one of the best authorities in India on the practical working of sanitary regulations in ports, and had been pronounced to be simple and workable.

The Government of India explained that the proposed rules had been framed as far as possible with reference to the principles set forth in a memorandum by Sir Richard Thorne on disease prevention in England, but that Indian conditions made it necessary that they should differ considerably both in form and in scope from the rules in force in England. There it was possible to deal with endemic diseases, such as scarlet fever, on board ship, just as on land, by requiring, under the ordinary municipal law, notification and disinfection, and to restrict special quarantine measures to cholera, yellow fever and plague, which, besides being rarely imported into England were peculiarly dangerous to life, and, at the time the rules were framed, were little understood. In India, on the other hand, the machinery of notification under the municipal law was imperfect when it existed at all, disinfection could not be carried out without notification, and continuous medical inspection was often impossible. Consequently, it was necessary that the quarantine rules in India should provide for the measures to

(a) H. D. letter no. 2000, d. Sep. 12, 1908.

be taken in the case of diseases common in this country, including cholera and plague, two of the diseases against which special measures are recognised to be necessary in England. The rules proposed did not appear to Lord Minto's Government to go further than the English practice, as they provided in the case of endemic diseases merely for notification and disinfection and in the case of exotic diseases for such special measures as the present state of knowledge seemed to justify.

It was, however, Lord Minto's Government explained, impossible to give effect to the rules without amending the law. There were general objections to combining in one notification rules under two different Acts, and, as the Epidemic Diseases Act of 1897, under which port rules in respect of plague had hitherto been framed, must be treated as an emergency Act, there were insuperable objections to making any rules under that Act in conjunction with rules under the Ports Act or any other Act. They therefore recommended that section 6, sub-section (1), clause (p), of the Indian Ports Act, 1908, should be repealed and asked for approval to a simpler clause being enacted on the lines of the English law so as to enable them to introduce a single set of regulations dealing with small-pox, chicken-pox, measles, scarlet fever, typhus, plague, cholera, yellow fever, sleeping sickness and jigger, occurring on vessels coming to or leaving ports in British India, and with any other dangerous, infectious, or contagious diseases regarding which similar regulations may prove in future to be necessary.

The Secretary of State sanctioned this proposal in June 1910.^a

14. In July 1909, the Government of Bengal suggested that certain restrictions should be imposed upon the importation into India of condensed milk prepared from skimmed milk and of tinned meat. The Government of India, on a representation made by the Nestle and Anglo-Swiss Condensed Milk Company, had already directed Collectors of Customs to require the words "prepared from skimmed milk" to be marked conspicuously on labels affixed to tins of condensed milk so prepared which were imported into India. They informed the Government of Bengal of these orders and stated that in their opinion no further action on the part of Government in regard to condensed milk prepared from skimmed milk was necessary.^b They obtained from the Secretary of State and forwarded to the Government of Bengal information, to enable it to formulate proposals, regarding the precautions which had been adopted or suggested in England to guard against the sale of tinned meat in an unsound condition.^c

15. As they had reason to believe that persons who had contracted sleeping sickness in Uganda were desirous of returning to India, and as they thought it desirable that steps should be taken to prevent the spread of the disease in this country, Lord Minto's Government, in October 1908, declared sleeping sickness to be a "dangerous, infectious or contagious disease uncommon in India" under the Indian Ports Act and arranged with the local Governments that rules should be issued providing that persons arriving by sea at an Indian port, who were suffering, or were suspected to be suffering, from sleeping sickness should be detained in a hospital or other place for observation and treatment, and should continue to be detained until it was certified that they were not suffering from sleeping sickness or that they had

(a) Desp. no. 44 Rev., d. June 24, 1910.

(b) H. D. letter no. 1620, d. Oct. 2, 1909.

(c) Desp. no. 14 Rev., d. Feb. 11, 1910.

been cured^a. They requested the Governments of Portuguese India and of the French Settlements in India to co-operate by adopting measures against the importation of this disease into their territories.^b They also issued instructions that all cases of sleeping sickness or suspected sleeping sickness should be reported to their Sanitary Commissioner.

About the same time, with the sanction of the Secretary of State, they placed Captain F. P. Mackie, I.M.S., on special duty with the Commission appointed by the Royal Society to investigate sleeping sickness in Uganda.^c

(a) H. D. letter no. 2179-2183, d. Oct. 14, 1908.

(b) For D. letter no. 2811-2812, d. Nov. 10, 1908.

(c) H. D. notn. no. 1100, d. Oct. 9, 1902.

CHAPTER XIII.

PLAGUE.

1. In 1905 the total mortality from plague recorded was 1,069,140. In 1906 the number of deaths fell to 356,721, of which 104,460 occurred in the Punjab, 73,926 in the Bombay presidency and 69,660 in the United Provinces. In 1907, however, the mortality rose to 1,315,892, the highest recorded since the outbreak of the plague epidemic and 372,750 deaths occurred in April alone. The epidemic was most severe in the Punjab and the United Provinces, which reported 669,913 and 329,047 deaths, respectively. In 1908 the mortality was comparatively very low. Only 156,480 deaths were reported in that year, of which over 81,000 occurred in the Bombay presidency and in the Punjab. There was a slight increase, to 174,415, in the death rate in 1909 and a considerable increase in the beginning of 1910. The number of deaths reported in March of the latter year for the United Provinces (43,036) and Bengal (14,915) exceeded, while the number for the Punjab (43,556) was only slightly less than, the number of deaths from plague in those provinces for the whole of 1909.

Extent and course.

2. In July 1905 Lord Curzon's Government asked local Governments for reports, based as far as possible on the personal experience of their officers, on the conditions affecting the origin and spread of plague, the character of the measures to be adopted, the degree of success attained by the measures taken and the causes upon which success or failure depended. The evidence thus obtained was carefully examined by the Sanitary Commissioner with the Government of India, and in January 1906 an important resolution was issued embodying the results of the inquiry.^a The most conspicuous change in the opinion of experts in India regarding plague since the issue of the resolution of July 16, 1900 was found to be the greatly increased importance ascribed to the part played by rats in spreading and keeping alive the disease, and the Government of India noticed that the systematic destruction of these animals promised to be one of the most effective preventive measures which could be adopted. The reports showed that plague was most severe where houses were crowded together, ill built and imperfectly ventilated, while it usually spared areas where the streets were wide, the houses well built, the alleys and side walks paved and the drains properly constructed. It followed, in the opinion of the Governor-General in Council, that municipalities and local bodies should be encouraged and assisted to demolish insanitary quarters, to improve the paving of alleys and side walks, to neglect no opportunities of widening narrow streets, to enforce simple building rules and to perfect their systems of drainage and conservancy. The frequent failure to render disinfection effective in houses cast some doubt upon its practical utility, and the Government of India left it to the local authorities to determine the extent to which it should be enforced with reference to the prevalent structural conditions, pointing out that in villages disinfection was seldom of much use and that even in towns its efficacy was uncertain, depending on the germicidal properties of the fluids used and the prevention of the reinfection of the building by rats. The prompt and thorough evacuation of infected villages was recommended, and

Preventive measures.

(a) H. D. resn. nos. 79-95, d. Jan. 17, 1906.

this measure, accompanied by the systematic destruction of rats, was stated to be probably the only means of effectually combating the disease. The evidence which had been collected showed that the inspection of travellers by railway, road and steamship, although often successful in averting or delaying the spread of plague, was of most value in protecting limited areas such as hill stations and places so situated that the inspection posts commanded all routes of access. The detention at segregation camps of persons not actually suffering from plague was forbidden. The adoption of quarantine measures by the people themselves was recommended in rural areas, the measures to be taken for the segregation of the sick and of "contacts" were proscribed, and a hope was expressed that the people might be encouraged to have recourse to inoculation. In conclusion the Government of India stated that the widely varying conditions of the different provinces made any uniform scheme of plague administration impossible, that local Governments alone were competent to determine what measures were practicable or expedient at particular times and places, and that it was upon them that the Governor-General in Council relied to make the best use of the opportunities which presented themselves for checking the spread of the disease. In the last resort all preventive measures depended for their success upon the hearty co-operation of the people themselves and it was essential that every effort should be made to enlist their sympathies and to bring home to them through their natural leaders and in any other way which might be practicable that it rested mainly with them to bring about by their own action the cessation of plague in India.

In December 1906 the Government of India addressed the local Governments regarding the adoption of restrictive measures against the exportation from plague-infected areas of soiled linen, used bedding, rags and waste paper. The matter had been referred to the Advisory Committee for Plague Investigation in India who gave it as their opinion that restrictions on the trade in the articles in question were necessary. The Government of India did not think, however, that these restrictions need be enforced, as was the practice in the past, by the direct exercise of their own authority, since they were not always in a position to know what restrictions were necessary or possible in particular instances. Accordingly they decided (i) that where traffic in rags, etc., was intra-provincial local Governments and Administrations should themselves make such rules as they considered necessary to limit the danger of the spread of infection; (ii) that where it was inter-provincial the local Governments and Administrations concerned should in consultation make such regulations as they considered necessary, reference to the Government of India being confined to cases where there was a difference of opinion regarding the measures to be adopted; and (iii) that in all cases rags, etc., for export should be baled and that, when they were carried by rail, other goods should not be placed with them, while the wagons used should be disinfected after each journey. Local Governments were asked to give effect to this decision and were informed that in framing regulations care should be taken that the least possible interference was caused to the paper-making industry. ^a Later, in August 1908, the Government of India informed local Governments that they considered that, as the danger of plague infection being carried in bundles of rags was much less than the danger of its being carried by fleas on the persons or in the clothing or bedding of travellers, and as such evidence as existed showed that persons who handled rags were not more liable to contract plague than others, it was of little use to impose restric-

(a) H. D. letter nos. 2257-2272, d. Dec. 22, 1903.

tions on the contrabands of rags, when passengers and their bedding were not required to undergo disinfection. They therefore cancelled their notifications imposing restrictions on the traffic in rags, etc., but permitted the local Governments to take such action in the matter, under the powers which had been delegated to them, as they thought necessary. In October they asked the maritime local Governments to discontinue the system of medical inspection of passengers proceeding to or arriving from ports in India by sea, except in the case of persons arriving in vessels actually infected, and, when disinfection was resorted to, to have it performed in such a way as to secure, as far as possible, the destruction of rat-fleas concealed in the clothing and other effects of passengers and crews.

In August 1907 the Government of India addressed the local Governments on the subject of the measures to be taken for dealing with plague, with special reference to the results of the researches made by the Plague Research Commission^a. They called attention to what they regarded as the outstanding conclusions, from a practical point of view, arrived at by the Commission, *viz.*, that bubonic plague is spread by infected rats, that the vehicle of contagion between rat and rat and between rat and man is the rat-flea, and that the life of the plague germ in soil, the floors and walls of houses and the like is of short duration. They observed that these conclusions showed that many troublesome and expensive measures undertaken for the purpose of destroying germs in houses might be abandoned, and that efforts should be directed to preventing the access to man of infected rats and their fleas, and to counteracting the effects of the bites of infected fleas. While recognising that the construction of most Indian houses favoured infestation by rats and that in many cases the people were not only themselves unwilling to destroy rats, but declined to afford any facilities for their destruction by others, they reminded local Governments that there was evidence that well-devised measures carried out persistently would largely reduce the number of rats and thus retard, if they did not completely prevent, the spread of plague. They also directed attention to the importance of improvements in the structure of houses, suggesting the building of model rat-proof dwellings, the demolition of insanitary areas and the opening up of congested quarters, and also the diminution of the food supply of rats by the protection of grain stores and the prompt removal of all garbage. The Government of India apprehended, however, that for some time to come at least the only practical way of removing man from contact with infected rat-fleas was by the temporary evacuation of quarters in which plague was prevalent. Realizing that even in the most favourable circumstances the evacuation of their houses was attended with great inconvenience to the people, they asked that it should be impressed on district officers that, while it was their duty to use their utmost endeavours to influence the leaders of the people and induce them to move into temporary dwellings, it was equally their duty, by affording assistance and by making rules suited to the circumstances of the community with which they were dealing, to make the measure as little irksome as possible. As conditions necessarily varied from place to place, they recommended that district officers should be given considerable freedom of action in deciding what help should be afforded, and that whatever assistance was given should be given promptly, with a minimum of preliminary formalities and without undue detail of subsequent audit. Stress was laid on the importance of consulting the wishes and even the prejudices of the people and of making them understand the reasons for evacuation. The

(a) H. D. letter nos. 1275-1284, d. Aug. 17, 1907.

Government of India further drew attention to the fact that it had been established beyond doubt that inoculation was a most valuable preventive against plague, and that even when it did not afford immunity it doubled the chances of recovery. They recognised that there was much prejudice on the subject, and that the claims of inoculation must be advocated with caution and tact. They asked local Governments to arrange for the provision of facilities for inoculation everywhere, the members of the staffs of hospitals and dispensaries being utilised whenever it was possible to do so, and establishments of special inoculators being employed when such supplementary assistance was required. They also asked that the localities in which plague persisted throughout the period of abatement between the yearly epidemics should be ascertained, and that special attention should be devoted to those areas with the object of extirpating plague in them and of preventing it from spreading from them. They further suggested that concise pamphlets in the vernacular should be distributed widely throughout the towns and villages giving in the simplest language the main facts at present known regarding plague, recommending the systematic destruction of rats and the immediate evacuation of infected areas on the first appearance of the disease, and explaining the advantages of inoculation^a. In conclusion they urged local Governments to impress on district officers that they must take the initiative, and that, while the people must not be coerced, they must not be left without guidance, advice and help.

At the same time Lord Minto personally addressed the heads of the local Governments and Administrations on the subject, inviting their special attention to the proposals being made to them officially and expressing the hope that, with the assistance of the people themselves, some distinct advance might be made towards bringing the ravages of plague under complete control. Lord Minto also communicated to them a letter which he had received from His Majesty the King-Emperor, who had been deeply moved by the misery which had been borne with such silent patience. His Majesty expressed his earnest hope that the measures recommended would be crowned with success, and desired that an expression of his heartfelt sympathy should be conveyed to his Indian subjects.^b

In August 1908 the Government of India asked local Governments and Administrations for a report on the measures adopted in their respective provinces to extirpate plague at the places where it lingered at the period of general abatement, with a view to preventing its spread from those places, and on the results obtained by such measures. The replies showed that the local Governments had taken steps to ascertain the *foci* of plague infection and had endeavoured, by inoculation, rat destruction and the improvement of general sanitation, to stamp out plague in those places, or at least to limit the spread of the disease from them.

In February 1908 the Secretary of State forwarded a memorandum by Sir Bradford Leslie and Sir Guilford Molesworth, suggesting a scheme for the erection of rat-proof dwellings in India. Local Government were consulted and experiments were made in several provinces, but no really satisfactory type of rat-proof house, whose cost was not prohibitive, had been devised at the conclusion of Lord Minto's term of office. Experiments made in Bangalore showed, however, that the demolition and reconstruction of insanitary town areas had a marked effect in checking the progress of plague.

(a) H. D. letter nos. 1517-1526, d. Sep. 18, 1907.

(b) Letter d, Aug. 16, 1907.

3. The Advisory Committee for Plague Investigation in India, which was constituted during Lord Curzon's Viceroyalty from the Royal Society and the

Plague Research Commission,

Lister Institute, the India Office being also represented, continued its researches throughout Lord Minto's term of office and was assisted in its enquiries by officers of the Indian Medical Service. The senior member of the working commission in India was, at first, Major Lamb, I.M.S., and afterwards Major Liston, I.M.S. In June 1907, the Secretary of State forwarded a letter from the Advisory Committee on the question whether their investigations should be continued.^a The Committee considered that the work of the Commission had established the primary importance of rats and rat-fleas in the propagation of epidemic plague in India, and enquired whether the Government of India desired that they should undertake to investigate the exact mechanism of the periodical appearance of plague in those small communities which furnish the majority of the epidemics. They pointed out that the nature of any practical measures to be undertaken against plague in those places was intimately dependent on a knowledge whether each epidemic arose *in situ* from the residue of the preceding outbreak or was introduced from without from one of a relatively small number of localities in which the disease was constantly present. The Government of India agreed with the Secretary of State that it was very desirable that the work of the Commission should continue and arranged that the Committee should also investigate the question of the possible improvement of the plague prophylactic fluid.^b

In July 1907 the Government of India suggested to the Secretary of State that a short and simple account of the results of the Plague Research Commission's work, and, in particular, of their reasons for holding that plague is disseminated by rat-fleas should be published in India. They considered it extremely desirable that the administrative authorities should be in possession of the most complete available knowledge of the causes which lead to the continuance and spread of plague in order that they might fully comprehend the reasons for the measures which they were advised to take against the disease. It was also, in their opinion, politically important, on account of the enormous mortality which had recently occurred, that the people themselves should know that the Government had done their best to discover the causes and means of prevention of the calamity which had befallen them. They therefore proposed that Major Lamb, I.M.S., should be instructed to prepare a brief summary of the facts ascertained by the Committee regarding the cause and spread of plague. The Secretary of State sanctioned this proposal, and in February 1908, copies of the summary prepared by Major Lamb were widely distributed.

The second portion of the Commission's enquiry had not been concluded at the end of Lord Minto's term of office.

4. In 1905 the Government of the Punjab asked for the services of twenty officers of the Indian Medical Service for

Extra Staff.

at least two years to conduct a systematic campaign against plague in the worst affected districts. It was found impossible to comply with this request in full at once, but ten officers were lent to the province in 1906, and 10 more in the course of 1907, after which the number of officers employed on plague duty was gradually reduced. The appointment of a Chief Plague Medical Officer for the province for three

(a) Desp. no. 95-Rev., d. June 21, 1907.

(b) H. D. tel. no. 1808, d. Aug. 22, 1907.

years was also sanctioned in 1905, and its retention, if necessary, for a further period of three years, was sanctioned by the Secretary of State in 1908.

In July 1907, the Government of the United Provinces reported that the arrangement under which the Deputy Sanitary Commissioner also undertook the duties of Chief Plague Officer was unsatisfactory, and submitted proposals for the appointment of a Chief Plague Officer and an Assistant Plague Officer, with a peripatetic staff of temporary assistant surgeons, in order to provide facilities for inoculation against plague. Lord Minto's Government approved the proposals and sanctioned the entertainment for one year of the special establishment recommended. They also placed eight officers of the Indian Medical Service temporarily at the disposal of the local Government to be employed in the largest towns in the province for the purpose of supervising arrangements for inoculation and familiarising the people with the measures which should be taken on the outbreak of plague, and eight officers of the Indian Army to make arrangements for housing in temporary camps people who evacuated their dwellings, to advise and help them to move out of infected localities, and to persuade them not to return while fear of infection lasted, to make effective arrangements for the custody of their property while they were away from their houses, and generally to supervise under the control of the District Magistrate the arrangements for fighting the disease. The retention of the special staff for a second year was sanctioned in 1908, but it was found possible to dispense with the greater part of it in April 1909.

In 1905 the Secretary of State sanctioned the continuance of the appointment of Superintendent of Plague Operations in Bombay for so long as the operation of plague might render it necessary. In 1907 the special appointment was abolished and the control of plague operations in the presidency was transferred to the Sanitary Commissioner.

In other provinces also, and especially in Burma, Lord Minto's Government sanctioned the employment, from time to time, of officers of the Indian Medical Service or of the Indian Army on plague duty.

5. In March 1906 the Government of India sanctioned the adoption, with certain modifications, of proposals made by the Government of Bombay for the grant of assistance to Government servants who move from infected areas to healthy localities during the prevalence of an epidemic of plague. The Bombay Government were told that the orders would apply to Government servants (including peons and other menials) employed in any imperial department as well as in any department of the Government of Bombay.

In February 1906 the Government of Bombay invited the attention of the Government of India to a scheme which had been successfully carried out by the Executive Health Officer of the Bombay municipality for popularising inoculation among the men, women and children of the labour staff of the health department by the payment of eight annas a head to those who submitted to the operation, and asked the Government of India to authorise the adoption of a similar scheme in respect of Government servants whose pay did not exceed Rs. 15 a month, and their wives and children. The scheme was sanctioned as an experimental measure and, although the results were not very encouraging, it was continued from time to time until 1910.

6. In August 1905 Mr. Brodrick forwarded a copy of a memorandum on plague which had been presented to him by the Royal College of Physicians

Suggestions of the Royal College of Physicians regarding the treatment of plague in India.

and asked for the views of the Government of India on the suggestions which it contained for the creation of a special medical and sanitary organization for dealing systematically with plague in selected localities. The memorandum reached the Government of Lord Curzon at a critical time in the history of plague administration. Measures for coping with the epidemic were then still being taken in accordance with the principles laid down by the Indian Plague Commission, but experience had shown that those principles required modification. Every expedient which the existing state of knowledge could suggest had been considered, and although many of those tried had been attended with some success, the Government of India recognized that without more complete knowledge of the causation of the disease they were not in a position either to devise new measures or to press any of the existing measures upon the consideration of the local Governments. They had accordingly undertaken an important laboratory investigation into the causation of plague and were engaged in collecting evidence from the local Governments regarding its epidemiology and the effects of administrative measures in checking its spread. At the moment therefore when the memorandum reached them they were prepared to welcome any practical suggestion from any source. Unfortunately, however, the memorandum contained nothing with which they were unacquainted, and, excepting details of organization, which were little more than matters of nomenclature, it suggested only two measures which had not already been tried on a large scale. These were (i) the bacteriological examination of rats in order to *detect* plague, which the Government of India had never had occasion to introduce systematically, although it was often used in cases of doubt, and (ii) the disinfection of houses by fumigation, which had been found to be impracticable. The memorandum contained evidence that the knowledge of the signatories with regard to plague administration in India was defective, since they completely ignored the history of the attempts made to combat the disease and assumed that no organization for dealing with it existed. They believed also that the measures which had been found elsewhere to be useful in coping with plague would prove successful in India, and in their advocacy of a campaign on western lines appeared rather to lose sight of the fact that the conditions of life in the east differed in material respects from those obtaining in advanced European countries. The Government of India could not forget the complete failure of their early efforts when they concentrated the whole available force of their medical services, reinforced by large numbers of troops and civilian volunteers, on the limited areas attacked by plague in 1897, nor could they ignore the evidence that in most cases those efforts had, even in a wealthy city and among an educated and intelligent community not unaccustomed to European methods and ideas, been productive of harm rather than of good. In these circumstances they deferred replying to the memorandum until they had before them the replies of local Governments to the reference which had already been made to them. When those replies had been considered they published a resolution on the 17th January 1906, which was in effect an answer to the memorandum. In the scheme of the Royal College of Physicians special prominence was given to measures of compulsion, of disinfection and for the destruction of rats. In the resolution of the 17th January 1906 the Government of India clearly stated that all measures depended for their success upon the hearty co-operation of the people, they indicated the limitations of disinfection and, relying upon improved sanitation in the towns and the evacuation of houses in villages, recommended

the systematic destruction of rats. On the 9th May 1903 the Government of India consulted the local Governments on the suggestions of the Royal College of Physicians regarding organization, and in May 1907, after considering their replies, they addressed the Secretary of State on the subject.^a They stated that the local Governments were practically unanimous in condemning the special organization recommended, that they pointed out that suitable organizations for dealing with the epidemic already existed, and that, although the executive might need strengthening in many cases, it was not desirable to do so by importing physicians from England, who would necessarily be ignorant of the language and ill-qualified to direct measures which might involve interference with religious usages and provoke a popular outbreak. Most of the local Governments agreed that the general sanitary service required development, and that in this respect the needs of the times could be met by the employment of natives of the country. The Government of India informed the Secretary of State that they had under consideration proposals submitted by their Sanitary Commissioner for the improvement of the existing sanitary services, and that, after considering the suggestions of the Royal College of Physicians in the light of the remarks made by the local Governments, they had come to the decision that in the administration of plague they must rely, for the present at any rate, on improved sanitation in towns and on the co-operation of the people, in the evacuation of villages, the destruction of rats and such other measures as their future investigations might suggest. They added, with reference to the suggestion in the memorandum that the bacteriology of plague required a larger staff of observers, that a Plague Research Commission nominated by the Royal Society and the Lister Institute had been investigating the cause of the disease, that they had met promptly every demand which the Commission had made for more workers in that field of research, and that they had separately submitted proposals to the Secretary of State for the effective strengthening of their laboratories. The Secretary of State in reply observed that, while the particular suggestions offered by the Royal College of Physicians might have been anticipated by measures already in force in India, or else might be unsuited to local conditions, he desired to record his sense of the service which the College had rendered and of the obligation which rested on the responsible authorities to exhaust every possible means of combating plague. He added that he desired that no effort should be spared to arrest the spread of the disease by means acceptable to the people, and to give aid to the sufferers, and that any proposals which the Government of India might submit for extending the general sanitary service by the increased employment of qualified natives of the country as medical officers of health and sanitary inspectors, within reasonable limits of cost, would have his cordial support.^b

7. After Sir Lawrence Jenkins' Commission had reported regarding the

^a The Malkowal disaster and subsequent employment of Mr. Haffkine.

Malkowal disaster in 1902—when nineteen persons died of tetanus after inoculation with plague prophylactic fluid manufactured in the Parel laboratory—Mr. Haffkine proceeded on leave for two years, and was afterwards granted additional leave without pay. While in England he made representations to the Secretary of State with reference to the findings of the Commission regarding the accident, the decision that he should in future be restricted

(a) H. D. desp. no. 8, d. May 2, 1907.

(b) Desp. no. 118-Rev., d. July 26, 1907.

to research work, the administrative position to be assigned to him in his new sphere of work, his control of the subordinate staff of his laboratory, his position in relation to the Government of India and his salary and pension. He requested at the same time that the whole question of the accident at Malkowal should be enquired into afresh by another body of experts. Although the Lister Institute had recently informed him that it had arrived at a somewhat different conclusion from Sir Lawrence Jenkins' Commission, the Secretary of State considered that, even if it were possible to constitute a tribunal suitable for the purpose, there was no reason to expect that anything would be gained by doing so. As, however, the Government of India had published a statement which suggested that the Lister Institute agreed with the finding of the Commission that the bottle of the prophylactic to the use of which the accident was due was contaminated before it was opened, and as the Institute had qualified this subsequently by explaining that it did not accept that finding in its absolute form, but regarded it as only *probably* correct, the Secretary of State considered that the Government of India should take steps at once to publish a clear statement of the real position. He also consulted them regarding the question of Mr. Haffkine's employment on return to India, and the other questions dealt with in his representation to the India Office.^a In August 1906 Lord Minto's Government informed the Secretary of State that, if Mr. Haffkine desired to return to India, they were willing to continue to pay him Rs. 2,000 a month, and to employ him on research work, leaving him free to choose his subject and to publish his results in any scientific journal, provided that he reported to them the nature of his work, and undertook not to publish anything without their consent. They were unable to agree that he should be a scientific adviser in direct communication with them, that he should be given improved pay, status and pension, or that he should be empowered to appoint and exchange his assistants. They suggested that as an alternative Mr. Haffkine should, if he accepted employment under the governing body of the Lister Institute, and carried on research connected with India, be paid £1,000 a year and granted eventually the pension to which he would have been entitled if his total service had been in India.^b In November 1906, after further reference to the Secretary of State, they published extracts from the report of the Punjab Plague Inoculation Commission, together with certain letters addressed to the India Office by the Director of the Lister Institute, and by Mr. Haffkine, and stated that these papers were published at the instance of the Secretary of State with the object of removing any misapprehension which might exist as to the precise degree of responsibility which attached to Mr. Haffkine for the calamity which took place at Malkowal. The Secretary of State informed Lord Minto's Government in November 1907 that Mr. Haffkine had accepted employment^c on the terms proposed in August 1906, and in December 1907 addressed them further on the subject.^c He explained that the governing body of the Lister Institute was unable to entertain the proposal that Mr. Haffkine should be employed by them, as its laboratories were fully occupied. He stated that although a not inconsiderable body of scientific workers in England did not accept the finding of Sir Lawrence Jenkins' Commission as to the probable origin of the accident at Malkowal and had, in communications to the press and in memorials addressed to him, urged that Mr. Haffkine should be exonerated

(a) Desp. no. 115-Rev., d. June 29, 1906.
 (b) Tel. no. 1573, d. Aug. 31, 1906.

(c) { Tel. d. Nov. 14, 1907.
 { Desp. no. 217-Rev., d. Dec. 13, 1907.

unreservedly in respect of what occurred, he had declined to reopen the inquiry, and had re-affirmed the statement of the Government of India that Mr. Haffkine was removed from the administrative control of the Bombay Plague Laboratory, and was refused the headship of the Central Research Institute, though at one time he was designated for it, on grounds irrespective of any view as to the cause of the accident. He added that he had given Mr. Haffkine an assurance that the re-employment offered to him was of an honourable nature, and expressed the hope that the conditions of his employment would be made as little onerous and irksome as was compatible with administrative requirements, and that his scientific ability and enthusiasm would be allowed a fair field and adequate scope. On Mr. Haffkine's arrival the laboratory in the grounds of the General Hospital, Calcutta, was placed at his disposal, his proposal to pursue, in the first instance, his studies in the bacteriology and prevention of plague was approved, he was authorised to correspond direct with the Secretary to the Government of India in the Home Department, and the establishment and the provision of certain additional accommodation which he asked for were sanctioned."

8. In March 1908 the Government of India addressed the Secretary of State regarding the scale of salary to be allowed to Indian Medical Service officers deputed to plague duty. The salary of such officers, whether taken from civil or military employ, had since 1897 been regulated by the scale in article 84 of the Civil Service Regulations, which governed the emoluments of officers employed on famine duty, and the resulting inequalities in the remuneration of Indian Medical Service officers deputed to plague duty had been a source of constant complaint. Civil medical officers, who were entitled under the rule to an allowance of Rs. 5 a day only in addition to the salary of their appointments, had consistently claimed the larger allowance (Rs. 300 or Rs. 200 a month according to seniority) which was admissible to officers in military employ, and it had been urged that the duties of both classes of officers being similar there was no justification for differential treatment and that civil officers transferred to plague duty were deprived of private practice and of other local emoluments. Officers in military employ complained of the rule on other grounds. In order to remove the anomalies the Inspector-General of Civil Hospitals, Punjab, suggested that officers employed on plague duty, whether they were taken from military or civil employ, should be granted a consolidated rate of pay equal to that allowed to deputy sanitary commissioners. The Government of India supported and the Secretary of State accepted this proposal.^b

(a) H. D. letter no. 178, d. Jan. 21, 1908.

(b) { F. D. desp. no. 68, d. Mar. 5, 1908.
Desp. no. 60-Rev., d. May 8, 1908.

CHAPTER XIV.

LEGISLATION.

*(a) Legislation in the Governor General's Council.**(1) Acts passed.*

1. Towards the end of 1905, the Secretary of State's sanction was received
Presidency Small Cause Courts Act.
to the introduction of the Bill giving
effect to the amendments in sections 28, 39

and 69 of the Presidency Small Cause Courts Act, 1882 (XV of 1882), which had been approved by Lord Curzon's Government. This Bill became law on March 21, 1906, as Act IV of 1906.

2. Before the enactment of Act III of 1907 the general law of insolvency
The Provincial Insolvency Act.
in British India, outside the three Pre-
sidency-towns, Rangoon and the Punjab,
was contained in Chapter XX of the Code

of Civil Procedure (Act XIV of 1882). It had, however, long been admitted that the provisions there found afforded the most inadequate relief both to debtors and to creditors. Their scope was limited to judgment-debtors who had been arrested or imprisoned, or whose property had been attached in execution of decrees for the payment of money. No restriction was placed upon the rights of an individual creditor until the debtor's property had actually vested in the receiver appointed under section 354; and, in the interim, suits might have proceeded and decrees might have been executed, with the result that, while the petition was pending, the whole of the property of the debtor might have been sold for the benefit of a single decree-holder, and to the exclusion of the rest of his creditors who might have refrained from embarrassing the estate with litigation because their claims had been duly scheduled. On the other hand, the relief to the insolvent was most inadequate, since it was strictly confined to discharge from the scheduled debts, all liability for which was terminated, by a rough and ready procedure, through the satisfaction of one-third or the efflux of twelve years. For the Punjab there was a special, but equally inadequate, law contained in eleven sections of the Punjab Laws Act (IV of 1872). In fact, the law of insolvency outside the Presidency-towns and Rangoon remained, as the late Lord Hobhouse described it in 1875, the germ, and nothing more than the germ, of an insolvency law. In 1886 a Bankruptcy Bill was introduced and referred to a Select Committee, but after a lengthy consideration it was rejected by the Committee on the ground that it was too complicated for the requirements of the country at that time. A further attempt to amend the law in the mufassal was made in connection with the revision of the Code of Civil Procedure which was undertaken in 1901. The chapter on insolvency was redrafted and was made to extend to insolvent debtors generally without reference to the existence of decrees against them; and clauses were added to give more complete powers to the Courts and receivers on the lines, though in a much modified form, of the English law. The chapter followed the Punjab Act in that it applied only to Courts on which the local Government conferred jurisdiction by notification and only in the areas specified in the notification. These proposals appeared to the Government of India to be sound and practical. The new chapter met with general

acceptance by the various authorities to whom the Bill was submitted for criticism, and it received the approval of the Select Committee. But the Bill was not proceeded with after the Report of the Select Committee had been presented. It was held over for further consideration with a view to meeting some of the principal objections urged against it on other points. It appeared, however, to Lord Minto's Government that the insolvency provisions might with advantage be separated from the Code of Civil Procedure and passed as a separate enactment without further delay. A Bill was accordingly prepared in 1906. It received the sanction of the Secretary of State in the same year and was passed into law on the 15th March 1907. The Act differs in a few respects only from Chapter XX of the Civil Procedure Code Bill as passed by the Select Committee. Speaking generally, it is a reproduction of the main features of the English law of bankruptcy, but in a greatly simplified form.

3. Owing to the prevalence in the Punjab and Eastern Bengal and Assam of public meetings which encouraged the spread of sedition and led to disturbances of the public tranquillity, the Governor General was constrained, in the interests of law and order, to promulgate, under section 25 of the Indian Councils Act, 1861, an Ordinance (Ordinance I of 1907) with the object of regulating the holding of meetings in those provinces. The Ordinance was passed on the 11th May 1907. It extended to the provinces of Eastern Bengal and Assam and of the Punjab only, and came into operation only in such areas as the Lieutenant Governor of the province might notify in the local official gazette. Under its provisions no public meeting could be held in any proclaimed area for the discussion of public or political matters unless a written notice of the intention to hold such meeting and of the time and place of such meeting had been given to the District Superintendent of Police at least seven days previously. The police could attend such meetings and report the proceedings. A District Magistrate could by order in writing prohibit the holding of a meeting in a proclaimed area if it was likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity. Any person concerned in the promotion or conduct of a meeting of which due notice was not given was rendered liable to imprisonment up to six months or to fine, and any meeting prohibited was to be deemed an unlawful assembly within the meaning of the Indian Penal Code and Criminal Procedure Code. The period during which the Ordinance had the force of law expired on the 10th November 1907. The events of the six months during which the Ordinance was in force convinced the Government of India that it was necessary, for the preservation of the public peace and for the protection of the law-abiding members of the community, to incorporate in the general law, at least for a time, an effective measure for the prevention of seditious meetings and to take power to bring its provisions into operation in any part of India as occasion might require. The Prevention of Seditious Meetings Act was accordingly passed in the Legislative Council of the Governor General on the 1st November 1907, its duration being limited to three years from the date of passing. The provisions of the Act were similar to those of the Ordinance except that the Act extended to the whole of British India it had operation, however, only in such provinces as the Governor General in Council might from time to time notify in the *Gazette of India*. The local Government could declare the whole or any part of the province in which the Act was in operation to be a proclaimed area, such declaration remaining in force, unless re-issued, for six months only. The opportunity was taken to define with some precision

the term public meeting, the absence of which definition had been a defect in the Ordinance, and provision was also made for punishing the delivery of speeches in public places. In November 1907 the Act was extended to the province of Eastern Bengal and Assam where it was enforced in the district of Bakarganj. In January 1910 it was extended to Madras, Bombay, Bengal, the United Provinces, the Punjab and the Central Provinces, and was enforced in March 1910 in three districts in Eastern Bengal and Assam and in June 1910 in one district in the Punjab. Where put into actual operation it has been effective in stopping several meetings, which, it was feared, if held, would have given rise to disturbances; and, even where it has not been enforced, its moral effect as a preventive measure has been invaluable. On the unanimous advice of local Governments the Government of India decided that it was essential to the preservation of the peace that the Act should be continued in force beyond the 1st November 1910, and accordingly a Bill providing for its temporary extension up to the 31st March 1911 was introduced in the Legislative Council and passed on the 6th August 1910, the question of its further retention being reserved for consideration.

4. Under the Legal Practitioners Act, 1879 (XVIII of 1879), a vakil or attorney who had been enrolled as such by a Chartered High Court and who had paid the consolidated fee prescribed by article 30 of schedule I of the Indian Stamp Act, 1899, was still required to pay an annual fee for the privilege of practising as a pleader in a non-chartered High Court, or in the courts subordinate to a High Court other than the Chartered High Court on the rolls of which his name was entered. The Government of India, whose attention was directed to this by the Government of the United Provinces, decided, after consulting other local Governments, to amend sections 7 and 25 of the Act so as to render payment of this annual fee unnecessary. Advantage was taken of the opportunity to extend the privileges conferred by section 4 of the Act on advocates and vakils of the Chartered High Courts to pleaders of the Chief Court of the Punjab. The Bill which gave effect to these changes was passed on the 3rd January 1908.

5. In 1905 the Bengal Government submitted a draft Bill to repeal sections 26 and 27 of the Coroners Act, 1871, and to amend section 25 of that Act and also section 11 of the Prisoners Act, 1900. Practical difficulties had arisen, both in Calcutta and Bombay, from the fact that jurisdiction to commit accused persons for trial to the High Court was vested in the Coroner by the Act of 1871 and also in a Presidency Magistrate by the Criminal Procedure Code, 1898. The Government of Bengal proposed to overcome these difficulties by depriving the Coroner of the authority vested in him to commit accused persons to the High Court, to issue warrants for their apprehension and to commit them to prison. The draft Bill also provided for the removal of certain minor defects in the Act of 1871. The Government of India concurred generally in these proposals, but referred them to the Government of Bombay and the High Courts of Calcutta and Bombay for opinion. They enquired at the same time whether it was necessary that the office of Coroner, which had been abolished in Madras without inconvenience, should be retained in Calcutta and Bombay. The proposal to abolish the office was abandoned, as it was opposed by the Government of Bombay and by both High

Courts, and a draft Bill was prepared to give effect to the proposals of the Government of Bengal and certain further amendments suggested by the Government of Bombay. In this Bill a provision empowering the Coroner to issue a warrant for the immediate arrest and conveyance before a magistrate having jurisdiction of any person accused of an offence by the verdict of a Coroner's jury was substituted for sections 26 and 27 of the Act of 1871. The Bill became law on the 14th February 1908.

6. The question of amending the Code of Civil Procedure had for several years been under the consideration of the Government of India. An amending Bill was introduced in the Legislative Council in 1901 and was reported on by a Select Committee in 1903. The Bill as revised by that Committee was subjected to considerable criticism and was subsequently reconsidered and rearranged by the Legislative Department of the Government of India. Before bringing the Bill again before the Legislative Council, Lord Minto's Government decided to remit it to a small Committee of experts of such standing that the results of their examination of the measure would command the public confidence. The Committee, which met in Simla early in June 1907, was constituted as follows :—

President.—The Hon'ble Mr. H. Erle Richards, K.C., Legal Member of the Council of the Governor-General.

Members.—The Hon'ble Sir Francis W. Maclean, Kt., K.C.I.E., Chief Justice of Bengal;

The Hon'ble Sir Lawrence H. Jenkins, Kt., K.C.I.E., Chief Justice of Bombay;

The Hon'ble Mr. S. Ismay, C.S.I.;

The Hon'ble Dr Rashbehary Ghose, C.I.E.

The Bill as revised by this Committee was introduced in the Legislative Council of the Governor-General on the 6th September 1907 and became law on the 21st March 1908.

7. This Act, which was passed by the Governor-General in Council on the 8th June 1908, was framed in consequence of the commission or attempted commission in 1907 and 1908 of a number of crimes by means of explosive substances, which had brought prominently to notice the inadequacy of the existing law. It was based on the English Explosive Substances Act, enacted in 1883 for the express purpose of dealing with anarchist crimes, and provided for the punishment of any person who caused an explosion likely to endanger life or property or who attempted to cause such an explosion or who made or had in his possession any explosive substance with intent to endanger life or property. It further made the manufacture or possession of explosive substances for any other than a lawful object a substantive offence, and threw on the persons who made or were in possession of such substances the onus of proving that the making or possession was lawful. It also provided for the adequate punishment both of principals and accessories. The Act was applied to the whole of British India, but it was provided that no Court should proceed to the trial of any person for an offence against the Act except with the consent of the local Government or of the Governor-General in Council.

8. This Act, which became law on the same day as that noticed immediately above, was passed by reason of the close connection which had been found to exist between the perpetration of

outrages by means of explosive substances and the publication in certain newspapers from time to time of criminal incitements, which prosecutions under the existing law had failed to prevent. The Act gave power to stop the issue of newspapers which contained incitements to murder, to offences under the Explosive Substances Act and to acts of violence, and power to confiscate the printing presses used in their production. The procedure adopted in the Act followed the general lines of that provided in the Code of Criminal Procedure for dealing with public nuisances, but an appeal within 15 days to the High Court against the final order of the magistrate directing the forfeiture of the press was allowed and action was not permitted to be taken against a press except on the application of a local Government. Local Governments were given power, when forfeiture was ordered by a magistrate, to annul the declaration made by the printer and publisher of the newspaper under the Press and Registration of Books Act, 1867, and it was provided that thereafter neither that newspaper nor any other which was the same in substance could be published without a breach of the law.

9. On the 11th December 1908, Lord Minto's Government passed an Act

Indian Criminal Law Amendment Act, 1908, for the more speedy trial of certain offences, and for the prohibition of asso-

ciations dangerous to the public peace. The Act extended *proprio vigore* to the provinces of Bengal and Eastern Bengal and Assam, but might be applied by notification, wholly or partially, to any other province. and was in fact so extended in January 1910, to the major provinces. It gives the Governor-General in Council, or, with his previous sanction, the local Government, power, when a magistrate has taken cognizance of an offence specified in the schedule to it, to declare that the interests of peace and good order demand that the provisions of the Act should be applied to the case. When such an order has been made, the magistrate is empowered to hold an inquiry, at which the accused is not allowed to be present, unless the magistrate so directs, or to be represented, and, if he considers that the accused ought to be put on his trial, to commit him to the High Court. Persons so committed are tried by a Special Bench of three Judges of the High Court without a jury, no bail being permitted during adjournments of the case; and the evidence of witnesses given before the magistrate is admissible in the High Court, although they may be dead or unable to attend, provided that the Court is satisfied that their death or absence has been caused in the interests of the accused. The Act also gives the Governor-General in Council power to declare an association of persons unlawful, if in his opinion it interferes with or has for its object interference with the administration of the law, or with the maintenance of law and order, or constitutes a danger to the public peace, and makes it an offence to manage or in any way take part in the proceedings of an association which has been declared unlawful or which encourages or aids persons to commit acts of violence or of intimidation or which habitually commits such acts.

10. The immediate reason for undertaking legislation in connection with

Indian Limitation Act, 1908 (IX of 1908).

the Indian Limitation Act, 1877, was a decision of the Privy Council that the

period of limitation prescribed by the Act for suits to enforce payment of money secured by mortgages of immovable property, in forms other than what is known as the English form, is twelve years, as provided in article 132 of the second schedule of the Act, and not sixty years, as prescribed by article 147.

In the opinion of the Privy Council the latter article applied only to mortgages in respect of which a suit may be brought for "foreclosure or sale," that is, only to English mortgages. The High Courts of Madras, Bombay and Allahabad and of some other provinces had previously held that every suit of this nature was governed by the sixty years' rule of limitation. The decision of the Privy Council resulted in the dismissal of a number of suits for the enforcement of mortgages by the courts on the ground that they were barred by limitation and in the invalidation of claims under a still larger number of mortgages. As this caused hardship to mortgagees, it was proposed in the Bill to allow them two years within which to bring their suits, provided that the whole period from the date when the money secured by the mortgage becomes due did not exceed sixty years in all. Provision was also made for the continuance of pending suits and for the restoration of suits which had been dismissed on the ground of limitation after the date of the Privy Council's decision. The Bill also aimed at giving effect to certain recommendations of the Committee on the Code of Civil Procedure and settling matters of detail which had been the subject of conflicting decisions by different High Courts. As the Act of 1877 had already been amended by no less than eleven different enactments, Lord Minto's Government considered it desirable that the whole of the statutory law on the subject should be included in one Act. The Bill which was introduced in the Legislative Council of the Governor-General on the 3rd January 1908 was accordingly framed as an amending and consolidating measure. It was passed into law in August 1908.

11. The Bill to amend the Whipping Act, which was introduced on 13th March 1908, aimed at restricting the classes of offences for which whipping may be inflicted and limiting the number of officers who may be empowered to award it. It proposed to abolish whipping as a punishment for theft by a clerk or servant and for dishonestly receiving stolen property, and to enable the Governor-General in Council to exempt juvenile offenders from it in respect of any offence punishable under the Indian Penal Code otherwise than with death, and not merely, as at present, in respect of offences punishable under other laws with imprisonment. It further proposed to exclude whipping as an additional punishment on second conviction, and to permit its infliction in lieu of or in addition to other punishments only in the case of (a) rape, abetment of rape and attempt to commit rape, (b) voluntarily causing hurt in committing or in attempting to commit robbery, and (c) dacoity. It provided for the repeal of the provision contained in section 32 of the Criminal Procedure Code, 1898, which enables local Governments to empower second class magistrates to pass sentences of whipping and for the amendment of section 292 (2) of the Code so as to limit this punishment in the case of persons under 16 years of age to 15 stripes. Before the Bill was passed into law on the 22nd March 1909, it was revised so as to exempt juvenile offenders from the punishment of whipping for the offences specified in Chapter VI and in sections 153-A and 505 of the Indian Penal Code or for any offence punishable under any other law with imprisonment other than offences which the Governor-General in Council might by notification in the *Gazette of India*, specify in that behalf.

12. The object of this Bill was to amend the law relating to insolvency in the Presidency towns and in Rangoon, and to supersede the Indian Insolvency Act, 1848 (11 and 12 Vict., c. 21), which was based on the provisions of the

The Presidency Towns Insolvency Bill.

English law for the relief of insolvent debtors in force before 1869. The unsuitability of this Act to modern requirements in India had long been felt. Its primary object was the protection of debtors and it gave no adequate powers to compel the production of assets. The necessity for the protection of debtors was now much less than in 1848, while the development of commerce had made it more important that the law should protect creditors against fraud and prevent debtors from making use of the law to free themselves from their liabilities while preserving their assets more or less intact. Recently general attention had been drawn to the inadequacy of the existing law by the proceedings in the case of Sir George Arbuthnot's bankruptcy, while the passing of the Provincial Insolvency Act rendered an amendment of the law in force in Presidency towns still more desirable. The Bill followed the main principles of the present English law, with simplifications to meet the different conditions existing in India, and was brought at the same time as far as possible into line with the Provincial Insolvency Act, 1907. Among the more important changes were provisions for meetings of creditors and for the public examination of debtors, and greatly extended powers in the matter of getting in the property of debtors and for preventing transfers in fraud of creditors. Although a vesting order or a discharge made under the statute of 1848 had effect in any part of His Majesty's dominions, and such an order made under the proposed law would operate only in India, so that, when proceedings were instituted against persons having property in England, it would generally be necessary to institute separate bankruptcy proceedings in the English Courts, the disadvantage in this respect which would result from the amendment of the law was held to be more apparent than real, as in practice, even under the existing law, proceedings were usually instituted both in England and in India when there were assets in both countries. In any case Lord Minto's Government considered that the inefficiency of the existing law was so manifest that it was preferable to give up any advantage that there might be under the present law rather than to postpone legislation indefinitely. The Bill was introduced on the 20th March 1908, and, after being referred to local Governments and public bodies and after having been examined carefully in select committee, was passed into law in March 1909.

Lord Minto's Government afterwards suggested to the Secretary of State that a short Act should be passed in the Imperial Parliament to give to vesting orders and discharges under the Act the same effect outside India as vesting orders and discharges under the Statute of 1848.^a

13. The circumstances which gave rise to the enactment of this measure

The Indian Press Act, 1910.

will be found in some detail in the chapter on political movements. Though incitements to murder and other offences which at one time had been of common occurrence in the native press had been suppressed by the Newspapers (Incitement to Offences) Act which was passed in 1908, this measure had failed to put a stop to openly seditious writing in newspapers, pamphlets and books, and to suggestion and veiled incitement by which hostility to British rule was inculcated. The influence of the seditious section of the press was undoubtedly traceable in a series of outrages, of which the authors, for the most part young men of the middle class, were peculiarly susceptible to incitements of this nature. The local Governments were unanimous in thinking that a general

(a) H. D. Desp. no. 9, d. Apl. 1, 1909.

measure of control was essential, extending to the press as a whole, English and vernacular. A Bill was accordingly introduced in Council on 4th February 1910, of which the main objects were to obtain control over presses and means of publication, over publishers, and over the importation into India and the transmission by post of seditious and objectionable matter, and to secure the suppression of seditious and objectionable newspapers, books or other documents wherever found. It was supplementary to and to be worked in conjunction with the Press and Registration of Books Act of 1867, and provided for the deposit of security of not less than five hundred and not more than two thousand rupees (which might, however, be dispensed with by the magistrate at his discretion) by proprietors of presses and publishers making a first declaration under sections 4 and 5 of the Act of 1867, and—with a similar minimum and a maximum of five thousand rupees—by those who had already filed declarations and were thereafter guilty of publishing objectionable matter as defined in the Press Act. The security was liable to forfeiture on the commission of a similar offence subsequent to its deposit, and in case of a further declaration the security required was not less than one thousand and not more than ten thousand rupees; and newspapers, books and other documents were themselves liable wherever found to be declared forfeit by a local Government if containing matters of the prohibited description, and customs and postal officials were empowered to search for and detain seditious matter, other than letters or parcels, when passing through their hands. An appeal against orders of forfeiture was allowed to a special Bench of a High or Chief Court constituted in the manner already provided in Act XIV of 1908. The rules of business were suspended to allow of the prompt passing of the Bill through Council, and after some modifications in select committee and in Council it was passed into law on 9th February 1910 as Act I of 1910.

14. In August 1909 the Government of India forwarded to the Secretary of Indian Penal Code Amendment Act, 1910 (III of 1910.) State a draft Bill to amend section 75 of the Indian Penal Code so as to enable Courts in British India to recognise for the purposes of that section previous convictions by certain courts in Berar and in Native States.* The question had been considered in 1903 when it was brought to the notice of Lord Curzon's Government that occasionally habitual criminals from Native States, who committed offences in the adjoining British districts, could not be adequately punished, as the courts were unable to take into consideration, under section 75 of the Indian Penal Code, their previous convictions in Native States. It was suggested that, as many Native States possess efficient courts and criminal identification bureaux similar to those maintained in British India, the law should be amended so as to allow British courts to take cognizance of these convictions. Although this suggestion met with the almost unanimous approval of local Governments and of the political officers to whom it was referred, Lord Curzon's Government decided not to give effect to it, as they were of opinion that, except in a few special cases, no practical difficulty had arisen and because they considered that the latitude which the existing law gave in the assessment of punishment afforded sufficient opportunity for awarding severer penalties in cases of second convictions. In 1908, however, the Chief Commissioner of the Central Provinces revived the question and showed clearly that the law as it stood caused serious practical difficulties in the Central Provinces and Berar.

One of the principal objects of the amalgamation of the latter with the former territory was to secure a more efficient and economical administration by a closer administrative union, and the police and judicial systems were uniform in both areas. It was consequently extremely undesirable that persons previously convicted in Berar and subsequently convicted in the Central Provinces, or *vice versa*, should not be liable to the punishment to which they might have been sentenced if both convictions had been obtained in the same part of the province. The examination of this proposal led Lord Minto's Government to take again into consideration the question of extending recognition, for the purposes of section 75 of the Indian Penal Code, to orders of conviction passed in Courts of Native States. The question was not free from difficulty, as, although the tribunals of some of the more advanced States were not inferior to those of British India, it was considered to be wholly unsafe to extend any general recognition. On the other hand, it was thought that there were grave objections to legislation which would empower the Governor-General in Council to select certain courts in Native States to whose decisions special weight should be attached for the purpose of enhancing sentences in British India. Lord Minto's Government, therefore, decided to restrict recognition to those courts or tribunals which had been established in a Native State by the general or special authority of the Governor General in Council and they caused the Bill to be drafted accordingly. The introduction of the Bill was sanctioned by the Secretary of State in November 1909^a and it was passed into law on the 18th February 1910.

15. The Chief Commissioner of the Central Provinces, in January 1908, submitted for the orders of the Government of India a draft Bill to amend the Central Provinces Courts (Amendment) Act, 1910. of India a draft Bill to amend the Central Provinces Courts Act, 1904 (II of 1904), together with a draft notification to be issued under the Indian (Foreign Jurisdiction) Order in Council, 1902, to amend the Berar Courts Law, 1905. The object of the Bill was to provide for the hearing of important cases (including death-sentence cases) in the Judicial Commissioner's Court, Central Provinces, by a bench of two Judges and to extend the jurisdiction of munsifs and subordinate judges so as to facilitate the distribution of civil business. Lord Minto's Government accepted the necessity for amending the law in the manner proposed but considered the form of the draft Bill to be capable of improvement. They therefore asked the Chief Commissioner to amend it on lines which they indicated.^b The amended Bill, with an additional clause, recommended by the Chief Commissioner and the Judicial Commissioner, empowering the local Administration to invest munsifs with the jurisdiction of a court of small causes up to a value not exceeding Rs. 100 was passed into law in March 1910.

16. In 1909 the Madras High Court held that since section 52 of the Prisons Act, 1894, conferred powers only upon Magistrates of the first class, a Presidency Magistrate had no power under that section to try prisoners for offences against prison discipline. As it was necessary that superintendents of prisons situated in presidency towns should be able to invoke the aid of the courts having local jurisdiction in order to secure the punishment of serious prison offences, the Madras Government proposed that the section should be amended in such a way as to extend the powers of inquiry and trial which it conferred to Presidency Magistrates. The Gov-

(a) Desp. no. 56 (Judl.), d. Nov. 5, 1909.

(b) H. D. letter no. 605, d. May 9, 1908.

ernments of Bombay and Bengal agreed that the amendment was necessary. The Government of India considered it advisable that the section should also empower Chief Presidency Magistrates to transfer cases sent to them under it to other Presidency Magistrates for trial. A Bill to this effect was accordingly drafted and passed into law on the 23rd March 1910.

17. A Bill to provide for certain matters in connection with the taking of the Census was introduced into the Legis-

The Census Act, 1910.

lative Council on the 28th January 1910,

and after being slightly altered by the Select Committee became law on the 5th August 1910.

(2) BILLS INTRODUCED.

18. In March 1908 Lord Minto's Government sanctioned the introduction by the Honourable Dr. Rashbehary

Public Charities Accounts Bill.

Ghose, C.I.E., D.L., an Additional Mem-

ber of the Governor General's Legislative Council, of a Bill the object of which was to provide a simple procedure for enabling the public to inspect the accounts of public charities. It was alleged that there was reason to suspect that considerable portions of the income of such charities were misspent or squandered on useless objects. The duty of keeping proper accounts would, Dr. Ghose urged, be less likely to be neglected by trustees if persons interested in the charities were allowed an opportunity of inspecting accounts without, as required under the present law, undertaking the burden of a suit. The Bill made the previous consent of the Advocate-General or of some officer specially empowered by the local Government necessary to an application for accounts, and this was, in Dr. Ghose's opinion, an ample safeguard against the use of its provisions for an improper purpose. The Bill was introduced in Council on the 20th March 1908. Lord Minto's Government decided in September 1909, after considering carefully the views of local Governments, and the numerous representations which they had received on the subject, that in view of the strong opposition with which the Bill had met in certain quarters, it was undesirable to proceed with it.* Dr. Ghose had meanwhile ceased to be a Member of the Legislative Council and no other Hon'ble Member moved that the Bill should be taken into further consideration. It was therefore removed in March 1910 from the list of business before Council.

19. Under the existing provisions of the Criminal Tribes Act no tribe can

The Criminal Tribes Bill.

be proclaimed and registered unless it is at the same time settled and provided with

the means of living. The application of the Act is thus greatly restricted and the majority of criminal tribes are left free to wander and commit crimes without any adequate check on their movements and depredations. With the object of giving the Local Governments a greater measure of control over criminal tribes a Bill was introduced in the Governor General's Council on the 22nd July 1910 the object of which was to empower local Governments to proclaim criminal tribes, and to provide for the registration of their numbers, without reference to the possibility of settling them in a particular area. The provisions regarding settlement were however retained, for application, when necessary, after a tribe had been proclaimed, but local Governments were not to be permitted to restrict a tribe to a specified area without having first satisfied the Governor General in Council that the means by which it was proposed that the tribe should earn its living in that area were adequate.

(b) LOCAL LEGISLATION.

20. A Bill to amend, with the object of facilitating sanitary reforms, the provisions of the Bombay Municipal Act of 1888 relating to drainage, the construction and inspection of buildings, overcrowding, the ventilation of houses, and the supply of water to private properties was passed into law during the first year of Lord Minto's term of office.

The High Court of Bombay ruled in December 1905 that a railway carriage forming part of a through special train is not a public place within the meaning of section 12 of the Bombay Prevention of Gambling Act, 1887. The Government of Bombay therefore proposed that the Act should be amended so as to make gambling in railway trains, and in other places to which the public may have access, a penal offence. Lord Minto's Government approved the proposal.

In 1907 an Act was passed amalgamating the laws relating to towns in Upper and Lower Burma. The Governor General in Council also accorded his approval of a Bill submitted by the Government of Burma, which had for its object the consolidation and amendment of the laws relating to the village system and rural police in force in the two parts of the province.

In 1907 the Bombay Government introduced in the local Legislative Council a Bill to amend the Dekkhan Agriculturists' Relief Act, 1879, by which :—

- (a) full power was conferred on the courts to enquire into and determine the real nature of monetary transactions in proceedings to which agriculturists were parties and to go behind the documents with a view to deciding the suits according to the real nature of these transactions, and not according to their purport as misrepresented in the documents, conformably to the spirit and intention of the Act; and
- (b) a section was added to the Act empowering Collectors, to whom the control of auction sales of land belonging to agriculturists had been entrusted under section 320 of the Code of Civil Procedure, 1882, to set aside such sales whenever the prices realized appeared to be inadequate and to direct the holding of fresh auction sales. The Bill was passed by the local Council on the 18th April 1907, and received the assent of His Excellency the Viceroy on the 13th August 1907.

Lord Minto's Government approved a Bill submitted by the Government of Bengal with the object of repealing the Central Provinces Laws Act, 1879, so far as it applied to Sambalpur, now a district in Bengal, in order that evidence in civil courts in that district might be recorded *in extenso* as in the other districts of Bengal.

A draft Bill to amend the Puri Lodging House Act, 1871 (Bengal Act IV of 1871), so as to provide greater safeguards against overcrowding of lodging houses and render inspection more practicable, was approved as an administrative measure in November 1907.

In January 1907, the Government of Burma submitted a draft Bill to make further provision for compulsory vaccination in Rangoon and in other towns in Burma.* The Government of India were of opinion that the proposal for the compulsory vaccination by force at the discretion of the Port Health Officer, of all immigrants by sea was open to serious objection, and that the

(*) Burma letter no. 836-2 Z.-4, d. Jan. 26, 1906.

arrangements recommended, although primarily intended for Madras coolies, would in practice operate very hardly on other immigrants in whose case the procedure contemplated could not be justified. The local Government was therefore asked to abandon the provisions of the Bill which contemplated compulsory vaccination by force.^a A revised Bill which was submitted in October 1907 was also considered to be open to objection and was returned with a suggestion that it should be amended so as merely to require that persons coming by sea to Burma for the purpose of working as labourers should be vaccinated before landing.^b The Government of Burma agreed and forwarded an amended draft Bill which was approved as an administrative measure in February 1908. In December 1907, a draft Bill to provide for the prohibition of inoculation in rural areas and for the licensing of vaccinators in Burma was similarly approved^c.

In February 1908, Lord Minto's Government approved of the introduction of a Bill to amend the Bengal Local Self Government Act, 1885, (III of 1885), to enable District Boards to improve sanitation and to increase the powers and responsibilities of Union Committees in sanitary matters.

In forwarding a copy of a report by a committee appointed to examine the Indian Lunatic Asylums Act, 1858, the Government of Bengal asked for sanction to the introduction in the Bengal Legislative Council of a Bill to amend section 17-B of the Act with the object of enabling private paying patients from Calcutta to be admitted to the Berhampur Central Lunatic Asylum without an order of the Calcutta High Court. It also recommended for consideration various proposals made by the committee for the amendment of other sections of the Act. The Government of India approved the proposed amendment of section 17B, and circulated the Committee's report for the opinion of other local Governments, at the same time asking them to make, if they wished to do so, further suggestions for the amendment of the Act.^d

In July 1908 the Government of the United Provinces submitted Bills to amend the Oudh Estates Act of 1869 and the Oudh Settled Estates Act of 1900. The reason for amending the law was that various rulings of the Privy Council had injuriously affected the position of a number of the taluqas. It was proposed to alter the definitions of 'heir' and 'legatee' in order to bring back to the Act as many estates as possible and to allow taluqdars, grantees and their heirs to transfer or bequeath their estates to persons other than the next heir without incurring the penalty which, under the law as interpreted by the Privy Council, attached to such transfers and bequests. It was also proposed that a taluqdar or a grantee subject to the Act might make all his immovable property "estate" within the meaning of the Act by making a registered inventory of it, that taluqdars and grantees, who were not permitted to do so by the existing law, should be enabled to adopt the rule of succession to a single heir and to enable such relatives as the daughter's son or sister's son to succeed under a will or gift or in case of intestacy, that a registered instrument should be made an essential part of the evidence of an alleged adoption and that the whole of the amending Act should be declared to have retrospective effect. In justification of this last proposal it was pointed out that what it was desired to do was to bring effectually into existence a condition of law which it was designed to effect by the Act of 1869. By that Act it was intended to establish a power in the hands of the taluqdar or

(a) H. D. letter no. 708, d. May 9, 1907.
(b) H. D. letter no. 2080, d. Dec. 7, 1907.

(c) H. D. endt. no. 3079, d. Dec. 31, 1907.
(d) H. D. letter nos. 893-901, d. Aug. 5, 1908.

grantee or his heir to give or bequeath his estate to any relative who might under any circumstances succeed to his estate, and not only to the person who at the time of his death would be the heir in case of intestacy. The rulings of the Privy Council had decided that this was not the meaning of the law as it stood and it was necessary to effect by legislation that this should be accepted as the meaning.^(a) The Government of India accepted these proposals subject to certain remarks and both Bills, after being slightly modified in Select Committee, were passed into law in February 1910.

In April 1909 the Government of India approved of a proposal made by the Chief Court that the Punjab Courts Act, (Act XVIII of 1884) should be amended so as to give the power at present possessed by Chartered High Courts and by the Lower Burma Chief Court of revising an order passed by a single judge in a criminal case after a trial by Jury.

In August 1909 the Lieutenant-Governor of the Punjab recommended that the Indian Arbitration Act, 1899 (IX of 1899), should be extended to the town of Delhi. He thought, however, that it was not desirable that all agreements of the nature of those defined by the Act as "submissions", by whomsoever entered into, should be brought under the regulations prescribed by the Act. These regulations were intended for mercantile arbitrations, *i.e.*, for arbitrations in the case of disputes between firms conducting business on European principles. Although there was a demand for the introduction of the Act on the part of a certain portion of the native business community in Delhi, it was not clear how the proposal would be regarded by Indians who conducted their business according to indigenous methods. He accordingly asked for sanction to the introduction, before the application of the Act to Delhi, of a Bill declaring that in the application of the Act to towns in the Punjab an agreement to submit differences to arbitration should be read as meaning an agreement to submit differences to arbitration under Act IX of 1899.^(b) This proposal was accepted by the Government of India in a modified form and sanction was given in February 1910 to the introduction of the Bill.^(c)

In January 1910 the Government of Burma submitted a Bill to amend the Burma Village Act, 1907, so as (1) to impose on the headmen of village-tracts the duty of reporting to the police the movements of suspicious persons residing in their tracts; (2) to enable Settlement Officers to be invested with the powers of a deputy commissioner under the Act; and (3) to enable rules to be framed to deal with the case of disease introduced into a village-tract by cattle or human beings entering into it from outside or passing through it and to impose penalties for the breach of such rules.^(d) The Bill was accepted as an administrative measure in March 1910.^(e)

In February 1910 Lord Minto's Government, subject to a few remarks on questions of detail, approved of a Bill to repeal the Punjab Municipal Act of 1891, with the amending Acts of 1896, 1900 and 1905, and to pass a new Municipal Act for the Punjab.

In November 1908 the Government of Bengal submitted draft of a Bill further to amend the Calcutta Police Act, 1866 (Bengal Act IV of 1866) and the Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866), together with a statement of objects and reasons. The Bill introduced many important and useful provisions in the existing Acts but was largely an adaptation of the

(a) U. P. letter no. 525, d. July 6, 1908.
(b) Punjab letter no. 1486-S, d. Aug. 9, 1909.

(c) L. D. letter no. 511, d. Feby. 2, 1910.
(d) Burma letter no. 328-1L-2, d. Jan. 10, 1910.
(e) H. D. O. M. no. 403, d. Mar. 16, 1910.

comprehensive Police Act for the city of Bombay, *viz*, Bombay Act IV of 1902. The amendments were examined and the principles and policy of the Bill were approved in the Home Department and the Bill became law in May 1910.

A Bill to consolidate and amend the law relating to the service and execution of processes in Burma was approved as an administrative measure in the Home Department in November 1909 and became law in July 1910.

CHAPTER XV.

MISCELLANEOUS.

1. In December 1905 the Secretary of State offered, for presentation to the Victoria Memorial Hall, the colours of Fort Orange, Sadras, and of Fort Victoria, Amboyna. These were duly received and the thanks of the Trustees were conveyed to the Secretary of State for the presentation of historical relics of such extreme interest and value. In the same month the Madras Government forwarded a collection of original Persian documents offered by the Raja of Pudukkottai for presentation to the Victoria Memorial Hall, consisting chiefly of letters written between the years 1752 and 1799 by former Governors of Madras and military officers of the East India Company to the Pudukkottai Durbar. Several of these documents were selected as suitable and made over to the Trustees of the Victoria Memorial. In February 1906 the Secretary of State transmitted a set of photographs of a series of paintings in the India Office depicting Calcutta as it was in the early part of the eighteenth century for similar presentation. These photographs were framed and placed in the Memorial exhibition.

In December 1907 rules 8 to 11 of the rules made under the Victoria Memorial Act, 1903 (X of 1903), were revised so as to empower the Trustees to appoint committees for the transaction of particular business and to control the proceedings of such committees.

2. In May 1907 the Government of India agreed to a proposal for legislation in the local Council with a view to providing for the management of the Victoria Memorial Park and Zoological Gardens, Rangoon; but in July of the same year they refused an application from the Trustees for a grant-in-aid from Imperial revenues.

3. In October 1908 a gracious message addressed to the Princes and Peoples of India by His Majesty King Edward VII, Emperor of India, on the occasion of the 50th anniversary of the assumption of the Government of India by the Crown was received and communicated to all local Governments and Administrations with the request that it might be published in the official gazette and translated into the vernaculars of the province and that copies of the translation might be widely distributed throughout the province. This message was announced by His Excellency the Viceroy in Durbar at Jodhpur on the 2nd November 1908.

A notification was issued in January 1909, announcing the grant, as a Royal mark of favour in commemoration of the 50th anniversary above mentioned, of a bonus of one week's pay to all permanent Government servants in India, including the police, State Railway employes and menials, whose pay did not exceed Rs. 50 a month; and in celebration of this auspicious occasion Monday the 2nd November 1908, was granted as a public holiday throughout the Indian Empire. Addresses to His Majesty the King, Emperor of India, were also received on this occasion from the public of Southern India and the citizens of Madura and of the town and district of Bellary in the Madras Presidency which were duly transmitted to England for presentation to His Majesty.

4. The sad intelligence of the death of His Late Majesty King Edward VII

Death of His Late Majesty King Edward VII, was received on Saturday May 7th, 1910
Emperor of India. A *Gazette of India* extraordinary was issued directing all officers to put themselves into mourning until further orders and requesting all other classes of British subjects to observe a similar mark of respect. The flags at all forts and stations were hoisted half-mast, and 68 minute guns, corresponding to the age of His late Majesty, were fired at all the principal garrisons. Deep mourning was subsequently notified up to June 17, 1910, half mourning up to June 30 and official mourning until November 6, 1910. On May 20, the day of His late Majesty's funeral, a memorial service was held at Christ Church, Simla; all Government offices were closed and the public were requested to abstain, as far as possible, from doing any business on that day. These orders were communicated to all local Governments by telegram and similar services were held at all provincial headquarters and capital cities. The intelligence of His late Majesty's death caused the widest and most genuine grief among all classes of His subjects in India. Thousands of messages testifying to these feelings and expressing loyalty to the new Sovereign were received from public bodies, associations and individuals throughout the Indian Empire. These were duly acknowledged and forwarded to the Secretary of State.

5. By a notification of the Government of India dated May 9, 1910, it was

Accession of His Most Gracious Majesty King announced that His Most Gracious Majesty
George the Fifth. King George the Fifth had been proclaimed King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Defender of the Faith, Emperor of India. Flags were mast-headed at 5 P.M. on that day and a salute of 101 guns was fired in honour of the succession. The Proclamation of the accession and the declaration made by His Majesty subsequent to the Proclamation were read at Simla and at the head-quarters of all Provincial Governments at 5 P.M. on Thursday May 12, 1910. The ceremony at Simla was conducted in the presence of His Excellency the Viceroy, His Honour the Lieutenant-Governor, His Excellency the Commander-in-Chief, all the members of His Excellency's Executive and Legislative Councils and all high officers of Government as well as a large number of the public. By a notification dated May 24, 1910, a letter from His Majesty the King, Emperor of India, to the Princes and peoples of India was published. In it His Majesty acknowledged the touching and abundant manifestations of sorrow called forth from all classes of His Majesty's subjects in India at the death of His late Majesty King Edward Seventh, and gave an assurance of his own intention to abide by the spirit of the Proclamation of 1858 when Her late Majesty Queen Victoria assumed the direct Government of India.

By a notification of the same date it was announced that His Majesty the King, Emperor of India, had been graciously pleased as an act of clemency to grant remission of sentence, on a scale to be fixed by the Government of India, to all convicted prisoners in British India who on May 23 1910, had still to serve more than one month of their sentences of imprisonment or transportation.

6. In 1904 the Secretary of State inquired whether it was practicable to

Empire Day. give effect to Lord Meath's "Empire Day" scheme in India. The idea underlying the project appeared to be too much at variance with Indian ways of thought, and the Government of Lord Curzon deprecated on various grounds any attempt

to introduce the celebration into this country. It subsequently came to the notice of Lord Minto's Government that certain officers of the Education Department had been in direct communication with Lord Meath, and had on their own responsibility issued instructions for the observance of "Empire Day" in the schools under their control. This action evoked undesirable criticisms showing that the original apprehensions were not altogether unjustified; and the policy of Lord Curzon's Government was therefore reaffirmed. It was, however, recognised that the observance of "Empire Day" might be an excellent idea when it fell in with the general wishes of the population; and the local Governments were informed that there was no intention of discouraging any spontaneous expression of loyalty on the occasion. As it appeared that there was no recognised holiday for schools on the King-Emperor's birthday, the Government of India in August 1907 suggested that all schools and colleges should be granted a holiday on the 9th November, the actual birthday of His Majesty King Edward VII, and that steps should be taken to encourage, by the manner in which the holiday is kept, a feeling of personal loyalty to the Sovereign, the use of the title of "Empire Day" being avoided.

Upon the issue of these orders, the Government of Bengal represented that no school holiday would be successful as a celebration of His Majesty's birth-day, unless parents also got a holiday and were able to assist in the celebration, and proposed that public offices should as far as possible be closed on the occasion. The proposal was sanctioned, but it was suggested that the holiday should be treated as a local one.

7. In January 1906 the Egyptian Government asked for the services of an officer of Indian experience for a period of over one year to supervise the census operations in Egypt. The services of Mr. O. C. Lowis, I.C.S., late Census Superintendent, Burma, were lent for the purpose, the Egyptian Government agreeing to meet his pay, Rs. 2,250 a month, and to contribute towards his pension on the usual terms.

8. In May 1909 the Government of India addressed the Secretary of State regarding the appointment of a Census Commissioner for India in connection with the decennial census of 1911. On receipt of the Secretary of State's sanction, Mr. E. A. Gait, I.C.S., was selected for the appointment in November 1909. In the same month local Governments were asked whether the 10th March 1911 would be a suitable date for securing the enumeration of the normal population. On receipt of their replies that date was fixed for the taking of the census, and the names of the officers selected to be Provincial Superintendents were published, in the Home Department Resolution nos. 67-81, dated 31st March 1910. The general and household schedules were at the same time prescribed for adoption.

In March 1910 a memorandum prepared by the Census Commissioner on the subject of a special schedule which he proposed to adopt, in connection with the census of 1911, for persons working in mines, factories, etc., was forwarded to local Governments and Administrations for opinion. The Census Commissioner's proposal met with general acceptance, and the Government of India prescribed this special industrial schedule in their Home Department Resolution no. 233-49, dated the 28th July 1910. A list of the industries with reference to which the Government of India think it desirable that information should be

compiled in the form of the special schedule was appended to the Resolution, but the local Governments were permitted to include in the list any other industries in connection with which they might consider the collection of statistics desirable.

On the 28th June 1910 another Resolution was issued prescribing the Imperial Tables to be used in connection with the census. In determining the form of these returns the Government of India took into consideration certain suggestions made by the Registrar-General of the United Kingdom.

A bill to provide for certain matters in connection with the taking of the census was introduced in the Legislative Council of the Governor-General in January 1910, and was passed into law on the 5th August 1910.

9. In March 1906 the Secretary of State was requested to arrange with the Clarendon Press for transmission direct to the indenting authorities of 1,300 copies of the complete Imperial Gazetteer, with 550 additional copies of the India volumes and 250 additional copies of the atlas, the supply of which the local Governments had asked for.

Gazetteers.

In August 1905 the Government of Bombay submitted proposals for the preparation of a volume relating to the town and island of Bombay at a cost of Rs. 40,000 : they desired that the settlement of questions relating to the scope and size of the work should be left entirely to them. The Government of India thought that the matter might suitably be dealt with in two volumes not exceeding 500 pages each the preparation of which should not occupy more than two years. Within those limits they were willing to entrust the arrangement of the matter to be included to the Government of Bombay. On a further representation from the Government of Bombay, the Government of India accepted, subject to confirmation by the Secretary of State, a modified scheme under which a gazetteer consisting of three volumes of about 465 pages each would be compiled. They also agreed to an extension of the time required for the completion of the gazetteer to two years and a half, and to the entertainment of an establishment costing Rs. 250 a month. In a despatch dated August 24, 1906, the Secretary of State approved of these arrangements.

In November 1906 the Government of India proposed to the Secretary of State that as Mr. R. Burn, I.C.S., the Indian Editor, was proceeding home on leave, he should, when he had passed all the proofs received from the provincial Superintendents, be placed on special duty in England for such time as the Secretary of State might determine to assist Mr. Cotton, who had no establishment to help him. The Secretary of State agreed to the proposal.

In a despatch dated October 26, 1906, the Secretary of State observed that the deputation of officers employed on Gazetteer work had been extended far beyond the period originally sanctioned, and he desired to be furnished with a statement showing the expenditure in India already sanctioned for revising the Imperial, Provincial and District Gazetteers, as compared with the estimates which were accepted when the work was begun, and requested the Government of India to give instructions for strict supervision with a view to preventing any further increase. The information, on receipt from local Governments, was communicated to the Secretary of State with the Government of India's financial despatch no. 57, of February 27, 1908, in which it was explained that the original estimate should be left entirely

out of consideration, as that estimate provided merely for the mechanical revision of an existing work, whereas what had actually been done amounted to the production of a new work on a far more liberal scale of treatment than the Gazetteer which it replaced^a. The Secretary of State replied to this despatch in September 1908, to the effect that he had given some consideration to the report, but before coming to any conclusion thereon he desired to be furnished with certain supplementary information, which was eventually forwarded to him with the Government of India's Financial despatch no. 293, dated 30th December 1909.

In May 1907 the thanks of the Government of India were conveyed, through the local Governments and Administrations, to those Native States which had rendered assistance in the preparation of the new edition of the Imperial Gazetteer; and in a resolution dated January 6, 1908, the Government of India recorded their acknowledgments of the assistance rendered by the Editors and the Superintendents and Assistant Superintendents. The publication of the whole series of 24 volumes was completed during the year 1908.

10. In December 1908 the Secretary of State, in connection with the print-

Printing in England on behalf of Indian Adminis- ing in England, under the instructions of
trations.

an officer in this country of the Hazara district gazetteer, drew attention to the fact that on several occasions in recent years Indian officers on leave, or resident in England, had been allowed by the Government of India or by a local administration, to negotiate directly with firms in England for the printing and publication of books issued under official sanction: he thought that it would be well that all officers deputed to negotiate such matters should be instructed, before taking any action, to communicate with the India Office, where useful advice and experience could be placed at their disposal. These instructions were communicated to local Governments and Administrations and to the other Departments of the Government of India.

11. In April 1905 it became necessary to grant combined leave for one year

Ethnographic Survey.

to Mr. H. A. Rose, I.C.S., to whom the work of conducting the ethnographic

survey of the Punjab and the North-West Frontier Province had been entrusted. As the materials which he had collected could not conveniently be collated and worked up by another officer, the local Government proposed in August 1905 that Mr. Rose should be allowed to carry on the work while on leave, and to draw the allowance of Rs. 200 a month which he had hitherto drawn. Mr. Rose accepted the terms offered to him, and the payment of an honorarium of Rs. 2,500, on completion of the work, was sanctioned on the 25th November 1905, on the condition that if Mr. Rose was unable to finish his task while on leave he should complete it in addition to his ordinary duties on return from leave. These arrangements were reported to the Secretary of State in January 1906, and were confirmed by him.

The replies to certain inquiries showed that the total cost of the Ethnographic Survey up to the end of March 1906 amounted to Rs. 1,06,367-11-3. In the Home Department Resolution of May 23, 1901, it had been anticipated that the Survey would be completed in five years, the estimated total cost of the work, excluding printing, being Rs. 1,50,000. The expiry of this period found the work far from complete in certain provinces; and after

(a) Fin. desp. no. 57, d. Feb. 27, 1908.

considering the requirements of the different provinces the Government of India decided to make a re-allotment of the surplus funds still available. Allotments were accordingly made, and where necessary local Governments were asked to expedite the completion of the work.

In September 1906 it was suggested to the Government of Bengal that arrangements should be made for putting the materials collected for the Ethnographic Survey in that province into a shape in which they could be used for the purpose of bringing out a second edition of the *Tribes and Castes of Bengal*, whenever Sir Herbert Risley was in a position to undertake the work. In January 1907 the local Government replied that a certain amount of information had been collected but that the officer in charge of the work was unable to finish it before he went on leave: that further inquiries would necessarily involve considerable time and trouble and a larger outlay than that contemplated by the Government of India: that if the Government of India were in a position to allot a further sum of Rs. 3,000 for the purpose of collecting additional material, steps would be taken to institute the requisite inquiries: that it would not be possible with this sum to place an officer on special duty for the purpose except for a very short time; and that it was proposed that the inquiries should be undertaken, in addition to his ordinary duties, by a junior civilian and that the officer selected should be granted an honorarium of Rs. 3,000 on the completion of the work to the satisfaction of the local Government. These proposals were approved and the Government of India promised to recommend the grant of the proposed honorarium to the Secretary of State in due course.

In 1908 the Governments of Bombay and of Eastern Bengal and Assam proposed the continuance of the ethnographic survey for a further period of five years, at an annual expenditure of Rs. 2,000 in the Bombay Presidency and of Rs. 4,800 in Eastern Bengal and Assam. The Government of India found themselves unable to make proposals to the Secretary of State for any additional expenditure on the survey, but suggested that so much of the materials available as the superintendent of ethnography was not prepared to utilize himself should be made over to any individual or individuals, official or non-official, who might be willing to work them up, and that the local Government should offer to print the monographs so prepared.

In August 1908 the Government of India received a representation from Professor William Ridgeway of Cambridge, the President of the Anthropological Institute for Great Britain and Ireland, in which he proposed a scheme for promoting the study of ethnology, sociology and primitive religion among members of the Indian and Colonial Services. A proposal was therefore submitted to the Secretary of State in December 1908 for the grant to the Anthropological Institute of £100 a year for five years, subject to renewal at the end of that period if the results proved satisfactory, which did not meet with acceptance.

12. The report on the working of the Imperial Library for the year 1905 showed that the public were taking increased interest in the institution, the average attendance on ordinary days during the year being 100 persons against 81 persons during 1904. It was necessary to revise the pay of the head clerk, sorters and coolies employed in the library, so as to make the emoluments of these posts sufficiently attractive to suitable candidates.

The services of Mr. J. Macfarlane as Librarian were placed on a permanent footing in 1906. Unfortunately he died within the year, and was succeeded

ed by Mr. Harinath De, of the Indian Educational Service, who, after officiating for a time in the vacancy caused by Mr. Macfarlane's death, was confirmed in the appointment in January 1908.

13. In November 1905 the Government of Lord Curzon, in pursuance of

Records Office.

previous correspondence, submitted proposals to the Secretary of State for the systematic compilation of calendars of the records of the Government of India from the year 1748 onwards, and for the simultaneous preparation at the India Office of a series of calendars down to the year 1747—1748. They proposed that Dr. Denison Ross should be permanently appointed as Officer in charge of the Records of the Government of India; and that an assistant records officer should be selected from England to assist him. The Secretary of State accepted these proposals early in 1906, and Mr. H. Cloughton was appointed to the post of Assistant with effect from the 11th October 1906. The office establishment of the Imperial Records Department was also considerably strengthened and the scale of pay admissible to the staff was revised so as to attract suitable men for the proper working of the Department. With reference to the Government of India's suggestion that only documents of importance should be included in the calendars, the Secretary of State ruled that the calendars should include every document, whatever its value. He forwarded copies of the rules for calendaring prescribed by the Master of the Rolls and suggested that these should be followed as closely as possible.

So far as the records at Calcutta were concerned, the Government of India decided to adopt the scheme for preparing press-lists and calendars recommended by the Secretary of State, and with a view to the formulation of a scheme for the preparation of press-lists and calendars of the records of the Governments of Madras and Bombay, they decided to depute Dr. E. Denison Ross for the purpose of inspecting them and submitting a report. He accordingly visited Madras in December 1906 and examined their records, which, he suggested, should all be press-listed and calendared, including the Danish records. This report was referred to the local Government for an expression of opinion on the 1st March 1907. The Government of Madras, after considering Dr. Ross's report on the records of the Madras Secretariat, agreed that the calendaring should be undertaken locally, but explained that it would not be possible to begin the work until the new Central Record Office at Madras was completed and a decision arrived at as to the staff required. Owing to the absence of Dr. Ross on leave the preliminary measures connected with the calendaring of the records of the Bombay Government were left in abeyance. Dr. Ross inspected and reported on the records of the Government of Bombay in February 1908 on his return from leave. His report was referred to the Governments of Madras and Bombay in August 1908 for an expression of opinion. The subject is still under discussion with the local Governments concerned.

In connection with the preparation of press-lists of the Punjab Government records and the publication of selections from those records, an officer was placed on special duty for a period of four years in all with effect from the 8th November 1905. This arrangement was sanctioned by the Secretary of State, and the question of a further extension of the deputation is still under consideration.

During the year 1907 two hundred and thirty volumes of despatches and other Indian records which had been preserved at Minto were forwarded to

India and received by the Officer in charge of the Records of the Government of India.

During the years 1908-10 three volumes of press-lists were issued by the Imperial Record Office—one dealing with ancient documents for the years 1780 to 1784, another for the period January 1785 to June 1787, and a third for the period July 1787 to December 1789.

14. A number of old records relating to the Maratha administration are stored in the Alienation Office at Poona.

Peshwa's records.

The Bombay Government considered that they were likely to throw valuable light on the history of the period to which they relate; and that the material ought to be made available to historians. The proposals of the Government of Bombay that an Assistant Collector should be placed on special duty for five years to examine, arrange and catalogue the records appeared to the Government of India to be unduly expensive and to be open to objection on administrative grounds as they considered that the task of calendaring records was altogether outside the duties for which Indian Civil Service officers should be ordinarily employed. They therefore suggested in June 1909 that if a suitable pensioned officer was available he might advantageously be employed on the work, or that some other officer might be selected. The Government of Bombay at first declined to adopt these suggestions but finally agreed in November 1909 that an Assistant Collector should be placed on special duty for a period of two years in the first instance and that he should be given the assistance of a pensioned officer to whom at the expiry of the deputation the task of completing the work could be entrusted; but they stipulated that if a pensioner could not be found within two years the Assistant Collector's deputation should continue until one was found, up to five years. These proposals were submitted to the Secretary of State in February 1910, and negatived by him in view of the expenditure involved.

15. The progress of events in connection with the two series known as the "Indian Records" and "Indian Texts," is given chronologically. In

Publication of records and texts.

August 1904 the Madras Government recommended the publication in the Indian Records Series of a work which Colonel H. D. Love, R. E., Principal of the Madras Engineering College, proposed to compile dealing with Fort St. George and old Madras. It was first intended to publish the work independently, but on Mr. Wollaston's suggestion it was proposed that it should be included in the Records Series and be published about the year 1908, after the books the publication of which had already been decided on. The Government of India considered that the work would form a valuable addition to the Records Series as a companion to the late Dr. Wilson's work on 'Fort William.' They therefore suggested that the Royal Asiatic Society should be invited to arrange for the publication of the book after those which had already been selected for the series. The Secretary of State agreed to the proposal in October 1905, and the Madras Government were informed accordingly.

In December 1905, the Secretary of State intimated that the first work in the Indian Records Series—Mr. Hill's "Bengal in 1756-1757"—had been published in three volumes, and that sixty copies of the work had been despatched to the Home Department.

In January 1906, the Secretary of State asked for the views of the Government of India on certain proposals submitted by the Royal Asiatic Society in

regard to the arrangements for publishing the several volumes of the Indian Texts Series. With these suggestions, which mainly concerned the standard of remuneration of the authors and editors and details of publication, the Government of India found themselves in general agreement. They decided to retain the copyright of all works in the series. In September 1906, the Government of India were informed that the late Dr. C. R. Wilson's book "Old Fort William in Bengal" had been published by Mr. John Murray in two volumes. Sixty copies of the work were received and distributed.

In the course of this year further correspondence took place dealing with a variety of matters connected with the publication of the Indian Texts Series. The Government of India accepted certain recommendations made by the Royal Asiatic Society, as modified by the Secretary of State, in regard to the works to be included in that Series. They were disposed to think, however, that the publication of Dr. Luigi Sualì's *Dharmabindu*, a Jain Sanskrit text, should be published in the Bibliotheca Indica Series instead of in the Indian Texts Series. This suggestion was afterwards gladly accepted by Dr. Sualì. The Government of India also decided to continue the grant of Rs. 15,000 a year sanctioned by the Government of Lord Curzon in 1902 on account of the publication of the Indian Records Series and the Indian Texts Series, until the total sum of the original grant, Rs. 75,000, should be exhausted.

In June 1908 the India Office forwarded, for the information of the Government of India, a copy of correspondence with the Royal Asiatic Society in which the Secretary of State sanctioned the increase in the length of the fourth volume of the "Storia do Mogor," appearing in the Indian Texts Series, by about ninety pages, and at the same time gave his consent to the co-operation of Mr. A. B. Keith with Professor Macdonell in the compilation of the "Index to the names and subjects of the Vedic Texts." Sixty copies of the volume of the "Storia do Mogor" were received early in 1909. A copy was presented to the Government of Portuguese India.

In May 1910 the first volume of the Text of the Arabic History of Gujarat, edited by Dr. E. Denison Ross, appeared in the India Texts Series.

16. In January 1907 the Government of India were informed that the first of a series of calendars of early records at the India Office, the British Museum and the Public Record Office had been published through the Clarendon Press, under the title of "The English Factories in India, 1618-1621." They were further informed that a second volume in the same series was under preparation, and also one which would deal with the Court Minutes and other home records of the East India Company for the period 1635-1639. Altogether, copies of three volumes of "The English Factories in India, 1618-1621, 1622-1623, and 1624-1629" and of two volumes of "The Court Minutes, etc., of the East India Company, 1635-1639, and 1640-1643," have up to the present been received from the India Office and distributed by the Government of India.

17. In June 1904 the Government of India placed at the disposal of the Asiatic Society of Bengal an annual grant of Rs. 5,000 for a period of five years for the purpose of searching for and cataloguing Arabic and Persian manuscripts, and also a further grant of Rs. 2,000 a year for five years for expenditure on the purchase of manuscripts of exceptional value and interest. This

grant was extended in December 1908 for a further period of five years for the purpose of cataloguing the manuscripts already purchased by the Society and of purchasing additional manuscripts. The manner in which these grants were utilised was wholly satisfactory.

18. In December 1905 the Secretary of State drew attention to the manner in which a collection of Tibetan books, Manuscripts and other articles of antiquarian interest, manuscripts and other articles of interest had been presented by the Government of India to certain public institutions in England. Lord Morley considered it desirable on grounds of administrative convenience that in all cases when gifts of this nature are made to individuals or to institutions in England, they should be presented through the India Office, unless the Secretary of State in Council had previously agreed in any particular instance to the adoption of a different course. He accordingly requested that this procedure might in future be adhered to and that in all cases a list of the articles to be presented might be sent with them.

19. In November 1908 the Government of Bengal urged the advisability of printing in full the series of reports in the India Office Library, prepared in 1807-14 by Dr. Francis Buchanan-Hamilton on certain districts of Bengal, and commonly known as the Buchanan Manuscripts. The subject was engaging the attention of the Government of India when the Secretary of State, whose attention had been separately drawn to the matter, requested to be furnished with the opinion of the Governor-General in Council on the proposal. The Secretary of State considered that, in view of the large expenditure which would necessarily be incurred, the practical utility of printing the manuscripts *in extenso* should be clearly demonstrated before such an undertaking was seriously contemplated. It was with special reference to that point that His Lordship desired an expression of the opinion of the Government of India. After a careful consideration of the matter, Lord Minto's Government came to the conclusion that the extreme value of the manuscripts had been clearly established; but that at the same time it was equally obvious that they contained a great deal of matter which it was wholly unnecessary to reproduce. They were therefore of opinion that, for reasons both of practical utility and of economy, the most satisfactory policy would be to arrange for the selection and editing of only those portions of the manuscripts which were of permanent value. They held that, having regard to the qualities demanded by work of this nature, there was no one better fitted to undertake the editorship than Sir Herbert Risley. Here, for the present, the matter rests.

20. In November 1904 Mr. Wollaston, Registrar and Superintendent of Records, India Office, suggested the desirability of compiling a special list of the more important libraries in India distinguished according to size and character. Local Governments were accordingly addressed on the subject in January 1905, and, on receipt of their replies, ten copies of a list of the important libraries in this country were supplied to the India Office. In February 1906 it was found to be incomplete and was accordingly revised. In order to secure some uniformity of standard, the Government of India proposed to include in the list only the names of public libraries containing 1,000 volumes and over. The revised list was completed in November 1907, and the Government of India forwarded ten copies for the use of the India Office, at the same time explaining the system on which it had been compiled.

21. The procedure under which the India Office is supplied with the publications issued in the various provinces of India and registered under Act XXV of 1867 appeared to the Government of India to be needlessly circuitous, and in December 1906 they suggested that the Librarian of the India Office might be instructed to correspond direct with local Governments in future, and that a similar procedure might also be adopted in regard to publications issued in Native States, the political officer in charge being addressed direct, with the exception that, in the case of publications issued in Kabul, requisitions for books should be addressed to the Government of India in the Foreign Department. Orders were issued through the Foreign Department for the payment in India of any charges incurred on books and publications supplied from the Native States of India and from Afghanistan, for the use of the India Office Library, and special instructions were addressed to political officers on the subject of the supply to the India Office Library and the Imperial Library, Calcutta, of books in oriental languages published in the Native States of India.

22. In November 1907 the Secretary of State addressed the Government of India regarding the grant of a subvention from Indian revenues in aid of the publication of an English edition of the *Bāgāwan*, an historical work in the Môn language, which had been edited in German by Pater W. Schmidt of Vienna. It was explained that Sir Richard Temple was willing to publish the English edition as a separate part of the *Indian Antiquary* if Government would subsidise it to the extent of £75 in consideration of 100 free copies. The Government of India considered that an English edition of this work would be of considerable interest. They therefore agreed to make the proposed subvention to Sir Richard Temple in return for the stipulated number of free copies, and promised to send thirty copies of the work to the India Office in due course.

23. In July 1906 the Secretary of State addressed the Government of India regarding the acquisition of further examples of Tibetan literature similar to the collection made by Lieutenant-Colonel Waddell during the recent mission to Lhasa. The Government of Bengal was accordingly asked to arrange for the purchase of any rare Tibetan manuscripts or books offered for sale, and a grant of Rs. 5,000 was sanctioned for this purpose. In March 1907 that Government forwarded three Tibetan manuscript volumes on the 'Bon' religion which had been purchased from Rai Sarat Chandra Das Bahadur, C.I.E. In November 1907, the Government of India received seven volumes of the Tibetan book entitled "History of the Dalai Lamas", which had been procured through the same Agency, and in March 1910 the Government of Bengal sent three more Tibetan books. These, as well as the manuscripts and volumes mentioned above, were forwarded for the use of the India Office Library as they were received.

24. In March 1899 the Government of India sanctioned for the year 1899-1900 an expenditure of Rs. 1,000 by the Asiatic Society of Bengal in connection with the working of the Indian Regional Bureau of the Royal Society's International Catalogue of Scientific Literature. They promised at the same time that, although the above grant was not to be regarded as annual, it would be renewed from year to year so long as it might be required, upon considera-

tion of a report by the Asiatic Society of Bengal showing the progress of the work done during the year. During Lord Minto's tenure of the Viceroyalty the grant was renewed thrice, viz., in October 1906, January 1908, and September 1909, respectively, and intimation was given in April 1910 that the Government were prepared to make the grant annually if needed for the maintenance of the Bureau.

25. In 1903 a grant of Rs. 5,000 was sanctioned by the Secretary of State as a subscription in advance for a certain number of copies of the translation which Mr. M. Macauliffe was undertaking of the *Adi Granth*, the sacred book of the Sikhs. In 1907, however, Mr. Macauliffe represented that this grant was inadequate and asked for an increased subsidy to enable him to publish his work. The Government of India were disposed to view this request with favour, since they considered that the publication of a good translation of the *Granth*, which would replace the inaccurate and unsuitable version produced by Dr. Trumpp, would be welcomed by students of the history of religion. Before making a recommendation to the Secretary of State, however, the Government of Lord Minto asked the Punjab Government for fuller information on certain points and for a positive assurance that the bulk of the Sikh community were at one in wishing that a complete translation of the *Granth* should be published. The replies which they received showed that Mr. Macauliffe's work had taken a form which was unlikely to excite any disapproval on the part of the Sikh community and that there was therefore no objection to official patronage being extended to it. After due consideration of the circumstances, the Government of India decided to recommend conditionally the grant of an honorarium of £ 500 to Mr. Macauliffe as a reward for the labour which he had expended on this work. Lord Morley, however, was of opinion that the necessities of the case would be adequately met by a grant of Rs. 5,000. Referring to the author's expressed desire of mentioning in his preface the nature of the patronage which Government was prepared to extend to his labours, His Lordship requested that such a course should be discouraged. A copy of the correspondence with the Secretary of State was forwarded to the Government of the Punjab, which was at the same time informed that Mr. Macauliffe had himself intimated to the Government of India that it was no longer his wish to make any reference in the preface of his book of the nature indicated above. Mr. Macauliffe eventually refused the proffered remuneration. The Home Department purchased seven copies of the book and the Army Department decided to take forty-one copies for presentation to Divisional and other libraries.

26. In August 1908 Sir Richard Temple represented to the Government of India that the maintenance of the *Indian Antiquary* had for some years past been attended with increasing financial difficulties. The cause, he alleged, had been the continuous falling-off in subscriptions, which were largely official. He submitted that during the thirty-six years of its existence the journal had been conducted at the private risk of the persons who had the control of it from time to time, and that there was abundant proof that the work which it had accomplished had been of public utility. In conclusion, he requested that, in consideration of these circumstances and in recognition of his long sustained and unaided efforts to forward a practical knowledge

Patronage to the "Indian Antiquary."

of the past of India in all its aspects, the official subscription to the *Antiquary* might be increased by at least 40 or 50 copies. In September following, the Secretary of State, to whom Sir Richard Temple had made a similar appeal, requested that he might be informed as to the extent of the support which the *Indian Antiquary* had been receiving from the Government of India and from the local Governments, and that he might be furnished with the opinion of the Governor-General in Council as to the grant of any further assistance to the undertaking. Lord Minto's Government considered that the *Antiquary* had been a very valuable publication ever since its start and that it would be a matter for regret if it were discontinued for want of further support from Government. They had no doubt that the journal had helped greatly to disseminate among officials and others a knowledge of Indian history, antiquities and customs, and they believed that its utility would be further enhanced by a larger distribution of free copies. They accordingly sought the co-operation of the local Governments and Administrations in the matter and were successful in adding 61 copies to the existing subscription list, while further support was confidently expected. In December 1909, this information was communicated to the India Office who were at the same time informed of the extent of the patronage previously accorded to the *Antiquary*. Further, the Government of India stated their opinion that the extended support actually promised to the journal by the local Governments and Administrations and the additional aid expected to follow might perhaps prove adequate for the time being. Sir Richard Temple was at the same time informed of the increased subscriptions and assured of further assistance.

27. In July 1908, Shams-ul-Ulama (now Khan Bahadur) Maulvi Ahamad

Publication of a Persian dictionary.

Abdul Aziz, a British subject, residing in Hyderabad, invited the attention of His

Excellency the Viceroy to the first volume of a Persian Dictionary entitled "Asaf-ul-Lughat" and asked for the patronage of the Government of India. The work was considered to be thoroughly deserving of encouragement and it was decided that an honorarium of Rs. 500 should be paid to the author as each completed volume is published, in exchange for 50 copies of the same, provided the work progressed steadily, and that the standard of excellence shown in the first volume was maintained.

Subsequently the Shams-ul-Ulama applied for permission to dedicate the work to His Excellency the Viceroy, to which Lord Minto assented, desiring that his thanks should be conveyed to the author for giving him the opportunity of being thus associated with such a scholarly work. Up to the present time three volumes of the dictionary have been published.

28. In January 1909 the Secretary of State agreed to the proposal of the

Literary pensions.

Government of Lord Minto to grant to

Srijut Padma Nath Barua a special literary pension of Rs. 25 a month, in addition to whatever pension he might earn by his service under Government, in recognition of his merit as a writer, and in order that he might devote the remainder of his life to the advancement and development of Assamese literature. Again, on the recommendation of the Government of India, His Lordship sanctioned in July of the same year a similar pension of Rs. 50 a month to Pandit Ram Nath Tarkaratna of Nadia in consideration of his eminence in Sanskrit studies.

29. In July 1909, at the instance of Lord Curzon of Kedleston, the name of the Indian Institute, which is the centre of all the teaching and lecturing in Oxford for the Indian Civil Service, was placed on the distribution lists of official publications, of the Government of India and of local Governments and Administrations, and the India Office was requested to furnish the Institute with such publications of the Government of India as were printed and published in England. The supply of a copy of the *Gazette of India* was subsequently sanctioned for the use of the Institute.

30. During the early part of 1907 the question of amendment of the Indian copyright law was reopened in response to representations received from certain provincial Trades Associations, in which they complained of the absence of any legal protection in India against piracy of photographs, and suggested that, in order to prevent that evil, legislation should be undertaken on the lines of the English Fine Arts Copyright Act, 25 and 26 Vict, cap. 68. The subject had engaged the attention of the Government of India for some time, when the Secretary of State furnished certain particulars which had been asked for in 1902 in connection with the proposals of the Publishers' Association of Great Britain and Ireland relating to the amendment of the Indian copyright law so as to provide against the unauthorised publication in India of translations of English copyright works. Lord Minto's Government after careful consideration of these matters, came to the conclusion that, whilst the Indian copyright law as a whole stood in need of revision, there did not appear to be any urgent call for special legislation on the subject of copyright either in works of art or in translations apart from the general amendment of the law in contemplation, and they accordingly decided not to take up these questions separately. They preferred, moreover, to await the legislation in prospect in England before taking action to amend the Indian copyright law.

A conference was held in London in May 1910 with representatives of the self-governing dominions with the object of coming to a common decision with regard to the amendment of the copyright law for the British Empire as a whole. To this conference Lord Morley deputed a representative on behalf of the Government of India.

31. Lord Curzon's proposals to add the grounds of the Kidderpur Military Orphanage to the Zoological Gardens is described at pages 304-5 of the summary of His Lordship's administration. The Government of Bengal agreed that the southern portion of the park excluding the larger tank might be included within the boundaries of the Zoological Gardens at once, and welcomed the suggestion made by the Government of India that the area which it was proposed to add to the gardens should be converted into paddocks for deer and other animals, and a detailed estimate of cost involved was submitted amounting to Rs. 1,25,000. While holding that there would be decided advantage in having a zoological museum close to the Zoological Gardens, the local Government thought that the consideration of the question of using the main orphanage as a museum should be postponed until the northern portion of the park was taken over. The appointment of a trained naturalist as official custodian of the gardens was considered necessary in view of the extension of the scope and space of the institution. Meanwhile the services of the Superintendent were retained for a further period of one year.

In September 1906 the Government of India accepted the proposals of the Bengal Government that, for the present, the land to the south and west of the larger tank in the Kidderpur Military Orphanage grounds should be added to the Zoological gardens. They agreed to make an initial grant not exceeding Rs. 1,28,000 to meet the cost of the alterations and additions required and also an annual grant from Imperial revenues of Rs. 10,000 for the upkeep of the additional area. They further proposed the enlargement of the committee of management in order to secure the representation of the mofussil, by the inclusion of all Commissioners of Divisions in Bengal and Eastern Bengal and Assam, as well as a few selected district officers and some of the great landholders in both provinces. It was also decided that the Government of India should nominate two members of the resident committee and that the president should be appointed with their approval. The creation of the posts of Superintendent and Assistant Superintendent of the Zoological gardens on a salary of Rs. 750—50—1,000 and Rs. 150—10—250 a month, respectively, with free quarters in each case, was agreed to. These officers were to be Government servants and paid from provincial revenues.

In December 1907 the Government of India informed the Government of Bengal that they were unable to pass final orders in regard to the proposed transfer of a portion of the Military Orphanage estate in consequence of a legal difficulty which rendered it necessary to address the Secretary of State, and that, pending his reply, nothing could be done towards the transfer: that in these circumstances it would be premature to sanction any expenditure for reconstruction, and that the question of a reconstitution of the committee of management and the appointment of a Superintendent must remain in abeyance, the present committee remaining unchanged.

In October 1908, on the death of the superintendent, the Government of Bengal pressed for early orders on the several pending questions regarding the future of the Zoological Gardens, and recommended that the salary of the assistant superintendent on Rs. 150—10—250 a month, who had been appointed as a provisional arrangement pending the final settlement of questions regarding the future management of the gardens, should be fixed at Rs. 250—15—400 a month. The Government of India considered that the matter must remain in abeyance until all uncertainty regarding the future management of the gardens was removed.

32. Scales of household and table equipment were adopted for several new

Furnishing of Government Houses.

Government Houses in 1906 and 1907, in accordance with the principles laid down during Lord Curzon's administration, and the grants for the maintenance of furniture in two houses were revised. In 1905 the Secretary of State sanctioned a proposal that the scale of supply laid down by the furniture committee appointed by Lord Curzon's Government should be slightly modified, and that heads of provinces should be allowed to select and purchase for themselves all articles, except linen, either in England or in India, as might suit their convenience. Subsequently he agreed that heads of provinces should be allowed absolute discretion in the purchase of electroplate and cutlery, provided that the limits of the cost fixed by the furniture committee were not exceeded.

An extra expenditure of Rs. 7,402-14-10 incurred by the Government of Burma on account of certain articles of furniture purchased for Government

Houses on the occasion of the visit of Their Royal Highnesses the Prince and Princess of Wales was sanctioned in July 1907; and an initial expenditure of Rs. 12,500 and of Rs. 30,000 for furnishing the new Ball room in the Lucknow Government House and the new Ball and Durbar room at Belvedere, respectively, was also sanctioned during the same year.

In November 1909 the Government of India decided to withdraw the orders to the effect that the grants made to heads of provinces for the renewal of furniture and curtains on a change of permanent incumbents, should lapse if they were not spent within a year of the change; and in January 1910 they agreed to an expenditure of Rs. 10,000 for furnishing the new cottage in the grounds of Government House, Darjeeling; and in March 1910 sanctioned a special grant of Rs. 15,000 for furnishing Barnes Court at Simla, and a corresponding revision of the maintenance grant fixed for that residence.

33. In 1903 the Chief Commissioner, North-West Frontier Province,

Arms Act and Rules.

suggested that it was desirable to re-impose some restriction on the importation and possession of Snider ammunition for which, it was stated, there was a large demand in tribal territory. The maritime local Governments were asked to report whether there was any increase in the importation of Snider cartridges and whether they were manufactured by licensed dealers in India. The replies received showed that this was not the case, and the Criminal Intelligence Department reported that there was no proof of smuggling of Snider ammunition across the frontier. It was therefore decided in December 1905 to take no action in the matter.

In November 1905 the Government of Burma recommended that the transmission of firearms and ammunition by post into or within any part of Burma should be prohibited. This proposal was accepted and a rule on the subject was eventually included in the revised Arms Rules issued in August 1903.

The attention of the Government of India was drawn in March 1906 to the importation of empty brass cartridge cases rejected by the military authorities of Ceylon. It was apprehended that these cases might be turned to improper use in India; and arrangements were made in communication with the Ceylon Government that rejected cases should in future be flattened out under a steam hammer at the Government Factory before they were sold as old brass. Similar arrangements were also made subsequently with the Government of the Straits Settlements.

In April 1906 it was brought to the notice of the Government of India that a number of rifle barrels had been bought by men of trans-border territory from an unlicensed dealer in Bombay. These barrels appeared to be parts of confiscated arms which had been sold by auction by order of the Commissioner of Police. It was found that, although the barrels had been cut, the pieces could be welded together and made into reasonably serviceable weapons. The Government of India considered it necessary to prescribe rules for the disposal of confiscated weapons and, after consulting the local Governments on the subject, they decided that those in force in the Central Provinces, subject to a modification proposed by the Chief Commissioner, were suitable for adoption throughout British India, and should be made applicable to all arms, ammunition and military stores which might be forfeited or confiscated, and not only to those which might be dealt with under the Arms Act. The Rules

as modified, which were communicated to local Governments for adoption, provided mainly for the retention, with the sanction of the local Government, of any confiscated arms, etc., which could be utilised by the police and other departments, for the sale of such arms, etc., when not so retained, and for rifled fire-arms or rifle barrels, not retained for use or sold, being sent to the nearest ordnance officer to be broken up.

While the rules under the Arms Act were under revision, certain enquiries made by the Secretary of State led the Government of India to reconsider *de novo* the question of the importation of sporting rifles. It was decided in September 1906 that no rifles of .303 or .450 bore and no ammunition which could be fired from such weapons should be imported in future. An exception to this rule was, however, made in the case of .303 rifles required for match-shooting purposes, and also in respect of ammunition of a reasonable amount required for use with weapons of the prohibited bores already in lawful possession in the country. A number of representations were made against the extension of the prohibition to all rifles of .450 bore, on the ground of inconvenience to Indian sportsmen and loss to gun-makers who received no previous warning of the intention to enforce this prohibition. The Government of India accordingly relaxed the orders of September 1906 so as to permit the importation of those rifles of .450 bore which were *bonâ fide* ordered and were actually in course of manufacture prior to the issue of those orders.

In November 1907 the Government of Madras asked for an interpretation of the words "temporarily residing" occurring in rule I (5) of the Arms Act Rules then in force, in order to determine in what cases Americans and Europeans, not being natural born or naturalized subjects of His Majesty, should be held to be exempted persons. In reply they were informed that all such Americans and Europeans were exempted persons only so long as they were temporarily residing or travelling in India, but that they ceased to be exempted when they had settled in India or had no apparent intention of leaving India. This view was communicated to other local Governments. It was subsequently explained that all Americans or continental Europeans, not being natural born or naturalized subjects of His Majesty, who had settled in India for a term of years but had not adopted an Indian domicile were entitled to the benefit of the exemption.

In March 1908 the Government of Bengal submitted a proposal for the withdrawal of the exemption conferred by paragraph 1 (4) of the Arms Act Rules then in force, on Presidents of Panchayats in Bengal in virtue of the petty magisterial powers conferred on them. After consulting other local Governments the Government of India agreed to the proposal. Effect was given to this decision in the revised Arms Rules issued in August 1909.

In 1909 the Government of the United Provinces proposed to exempt from the operation of the Arms Act Indian officers of the Provincial Educational Service drawing a salary of Rs. 500 a month and upwards, and the Chief Commissioner, North-West Frontier Province, suggested an exemption in favour of Veterinary Inspectors serving in the North-West Frontier Province, while the Government of Burma desired a general power of exemption in respect of all officers of Civil Departments to be vested in the local Governments, to be exercised at their discretion. The Government of India held that, in view of the danger that arms owned by exempted persons might fall into undesirable hands, the correct policy should be to reduce the list of exemptions instead of extending it, and accordingly negatived all these proposals.

The Rules under the Arms Act, as originally issued in 1879, having, through successive amendments and additions, become most intricate and confusing, steps were taken during Lord Curzon's administration to codify them in a clearer form. The redraft of the rules was circulated in 1904 to the local Governments and subsequently amended in the light of their suggestions. The revised rules, as finally approved by the Governor-General in Council, were published in August 1909. The changes embodied therein were mainly such as were necessary in order to make the rules clear or in consequence of administrative changes such as the formation of the North-West Frontier Province and of the province of Eastern Bengal and Assam.

Recent events having directed the attention of the Government of India to the question of the stricter enforcement of the law against the possession of arms in British India without lawful authority, they suggested to the local Governments in March 1910 the advisability of issuing explicit instructions to the police to exercise particular vigilance in this connection and of instituting a system of liberal rewards so as to encourage people to offer information leading to the discovery of any illicit possession of weapons of a fairly modern type.

In February 1908 the Government of Bengal forwarded a memorial from the Calcutta Trades Association complaining that licensed dealers in arms and ammunition in India were exposed to unfair competition by reason of the facilities enjoyed under the existing law by exempted persons for importing fire arms through the medium of the Post office or through forwarding agents, when such persons, unlike arms-dealers, had to pay neither the fee for an import license nor the special duty leviable under the Indian Tariff Act, 1894. The Government of India were not satisfied on the evidence adduced that Indian dealers were exposed to any material disadvantage by the existing law and rules; and they accordingly issued orders in July 1908 to the effect that they saw no sufficient reason for taking action in the manner suggested by the Association. Subsequently, however, on further informal representations on behalf of the trading community, and especially in view of the desirability of closing one possible channel for the smuggling of arms, the Government of India decided to prohibit the import by post of arms (including fire-arms, swords, daggers, etc.) and ammunition into all parts of British India whether the importer was an exempted person or not. The necessary change in the Arms Rules, which was notified in July 1910, will take effect from 23rd October 1910, *i.e.*, on the expiry of three months from the date of the notification.

In March 1910 the Eastern Bengal and Assam Government suggested that, in view of the recent *dakaitis* and murderous outrages and the prevailing lawlessness in many parts of the country, the facilities at present enjoyed by assassins and revolutionaries in obtaining fire-arms, especially revolvers and pistols, should be restricted, and, to this end, proposed, among other measures, that the privilege to carry or possess revolvers and pistols without a license should be withdrawn from all exempted persons throughout India, including Europeans and East Indians. The Government of India were not convinced of the correctness of the inference drawn by the local Government that the fire-arms used in the commission of the recent outrages must have been obtained by the instrumentality or connivance of exempted persons; and they were disposed to think that the remedy for the evils complained of was to be found in a stricter application of the existing rules, rather than in having resort to the extreme step of withdrawing the privilege of possessing revolvers and

pistols from all exempted persons. They suggested that the object of the Government of Eastern Bengal and Assam could be attained by imposing a limit on the number of weapons which exempted persons might possess, in exercise of the powers conferred by the Arms Rules, and that, in most cases with the consent of the persons concerned, it could be arranged that they should report what weapons were in their possession and in that of their retainers and all changes of possession in respect of such weapons. The Eastern Bengal and Assam Government was informed in this sense in August 1910.

34. The replies of the authorities consulted during Lord Curzon's admini-

Game protection.

stration upon the proposed game law for India disclosed a strong consensus of

opinion in favour of protective legislation; but the provisions of the bill which had been drafted were much criticised. In the light of those criticisms and after a careful consideration of the whole matter, it was decided that the line of action contemplated by Lord Curzon's Government should be abandoned and that legislation of a very simple nature should be undertaken to afford protection to those wild birds and animals which were threatened with extermination. A revised draft bill was accordingly drawn up and submitted to the Secretary of State for approval in March 1908. It defined game and took power for local Governments to declare a close time during which it would be unlawful to capture, kill or deal in any specified kind of game or the plumage of any specified bird. Fish were excluded from the scope of the proposed law as the rules under the Indian Fisheries Act were considered adequate. The bill also provided a general exception in favour of the capture or killing of game in self-defence or in protection of crops or fruit and gave power to the local Governments to apply its provisions to birds other than those specified in the definition. The Secretary of State was not altogether satisfied that the proposed measure in so far as it went beyond the scope of the Wild Birds Protection Act, 1887, and especially in its application to deer and other animals which are liable to injure growing crops, was unobjectionable. He therefore suggested that the local Governments should be further consulted and the draft bill was accordingly circulated to them on the 14th August 1908. Their replies are still under the consideration of the Government of India.

35. In consequence of the passing of the Bengal Smoke-nuisances Act, 1905

Smoke nuisance.

(Bengal Act III of 1905), it was decided to obtain the assistance of an expert from

England as inspector of smoke nuisances, in order that the new law might be put in operation in the most effective manner. Mr. W. Nicholson, Smoke Inspector, Sheffield, was accordingly appointed to be Chief Inspector of Smoke-nuisances at Calcutta for a period of six months. He vacated his office at the end of May 1906; and at the instance of the Commission which was constituted to supervise and control the working of the Act, the Government of Bengal recommended, as a permanent measure, the appointment of a Chief Inspector on a salary of Rs. 400—20—500 and an Assistant Inspector on Rs. 300—20—400 to take his place. The local Government also proposed the appointment of the 1st Engineer and Shipwright Surveyor, who is *ex-officio* a member of the Commission, to be *ex-officio* Secretary to the Commission, and the grant to him of a local allowance for the additional duty. These proposals were accepted by the Secretary of State in September 1906. In December the Government of Bengal submitted for the approval of the Government of India

a set of rules designed to carry out the purposes of the Act. The draft was revised and was sanctioned in August 1907 by the Government of India.

36. In pursuance of the scheme initiated by Lord Curzon's Government for affording the press additional facilities for obtaining information on official subjects, Supply of official information to the press. distribution lists were prepared in 1906 in consultation with local Governments, showing for each province the newspapers and institutions unrepresented at the head-quarters of the Government of India which should be supplied with official papers through the provincial Governments, and those which had accredited representatives at the head-quarters of the Government of India and would accordingly obtain their information through such representatives. Copies of these lists were communicated to local Governments and the other Departments of the Government of India. The question of continuing either permanently or for a further period as a temporary arrangement, the press room which was opened in November 1904, as an experimental measure for two years, was considered by the Government of India in July 1906; and it was decided to maintain it for at least another year. A similar decision was taken at the close of each of the following three years, and since the enlargement of the Legislative Council, the press-room may probably be regarded as a permanent institution.

37. The statutory rules for the transaction of business in the Council of the Governor General were amended Rules of business. provisionally in October 1905 pending further changes in the military administrative system of India. The military offices having been reorganised, the consequential amendments in the rules were sanctioned by the Secretary of State in February and published in March 1906. Certain further alterations were considered in the new Army and Military Supply Departments and the rules were completed in September 1907, and revised rules were issued for the guidance of the Departments of the Government of India. The formation of the Railway Department necessitated some further amendments in these rules.

38. These executive orders were revised and issued provisionally in October 1905 pending further departmental changes. Further amendments were Secretariat instructions. rendered necessary by the changes in the system of military administration introduced in 1906 and the Instructions as finally revised were issued in 1907 simultaneously with the revised Rules of Business. In 1909 further amendments were made in these instructions, as a result of the creation of the Railway Department, and in September 1909 an addition was made to rule 24 requiring, in the case of telegrams to the Secretary of State relating to matters of grave public policy, that the Secretary in each Department should ask the permission of the Governor General to circulate the draft to all the Members of the Executive Council, or if the urgency of the case does not admit of this, to ask the permission of the Governor General to circulate a copy of the telegram immediately after despatch.

39. It appeared to the Government of India undesirable that petitions for exemption from the operation of the Memorial and petition rules. rule in article 478 (a), Civil Service Regulations, should be transmitted to the Secretary of State. They therefore

desired to be authorized to withhold such petitions. But the Secretary of State declined to accept the proposal. He considered that appeals against the operation of a rule which can be relaxed in individual cases only by the Secretary of State in Council should continue to be submitted. Another amendment to the rules regarding the submission of memorials to His Majesty's Government was proposed with a view to enabling the Governments of Madras and Bombay to withhold memorials which they are competent to transmit to the Secretary of State direct, in cases where the memorialists have not previously addressed the local Governments for relief. The proposal was sanctioned by the Secretary of State in May 1906. At his instance, rule II of the rules was also amended so as to require that every memorial should contain all material statements and arguments relied upon by the memorialist and should be complete in itself.

In September 1908 the Secretary of State desired that if in any case there was any doubt whether a memorial could rightly be withheld under the rules for the submission of memorials to His Majesty the King-Emperor of India, or to the Secretary of State, it should be transmitted rather than withheld. In a subsequent case he directed that whenever the transmission of a memorial addressed to him was delayed beyond the ordinary limit of one month laid down in the rules, an explanation of the causes of the delay should be furnished to him. Instructions were accordingly issued for the guidance of the local Governments and Departments in both cases. The rules were also amended so as to provide that the Railway Board should be regarded as the local Government in respect of memorials from persons subordinate to it.

The Government of India also had under their consideration the question whether, having regard to the provisions of rule XII (12) of the rules for the submission of memorials to the Home Government, which do not permit the Governments in India to withhold an appeal against orders refusing the grant of pension to a person other than an inferior servant, they were competent to withhold an alternative request for a compassionate allowance included in an appeal against orders of dismissal. They decided that rule XII (12) should be held to apply only to cases in which an appeal against orders refusing the grant of a pension was the sole or principal prayer and not an alternative prayer of the kind referred to.

40. Since the distribution of pictures of His Majesty King Edward VII, Emperor of India, for Government Houses and other official buildings during Lord Curzon's administration, arrangements have been made for the supply of two oil paintings and a colour print to meet fresh requirements, one of the former kind being intended for the Curzon Hall attached to the Dacca College. A companion portrait of Her Majesty Queen Alexandra was also provided for the new Government House at Dacca.

41. An oil painting of Warren Hastings by A. W. Devis was acquired for Government House, Calcutta, about the year 1785, and in 1887 it was placed in the National Portrait Gallery, London, for exhibition. Lord Curzon arranged for the return of this portrait with a view to its presentation to the Victoria Memorial Hall and also for the supply of a copy of the original picture by Mr. George Sephton to replace Miss Hawkins's copy in the Council Chamber, which, it was suggested, should be given to the Corporation of Calcutta to be

hung in the Town Hall in return for their generosity in lending pictures to the Victoria Memorial Hall collection. The portrait by Devis was received in January 1906 and was placed among the Victoria Memorial Hall collection. On receipt of the copy of the portrait by Mr. Sephton, however, the arrangement was revised. It was decided that the original portrait by A. W. Devis, which was placed among the Victoria Memorial collection, should be hung up in the Council Chamber of the Governor General, that the copy by Miss Hawkins should eventually be placed in the Victoria Memorial Hall but should for the present be kept in Hastings House, and that the copy by Mr. Sephton should be presented to the Calcutta Municipal Corporation to be hung in the Town Hall.

42. The scheme for the commemoration of houses or dwellings which are notable for their historic associations or in which distinguished men, European or native, have resided, was settled during the administration of Lord Curzon. An account of the measures taken to commemorate such buildings is given at page 320 of the summary of His Lordship's administration. Since then inscriptions have been placed on ten more buildings in Baroda, Central India, Hyderabad, Bengal and the Madras Presidency; and the inscription on one of the buildings in Bengal has been revised.

43. Towards the end of 1905, the question whether gazetted officers of the Police Department should, subject to a minimum period of approved service, be permitted to wear, after retirement, the uniform of the rank which they held in the police force at the time, came under consideration on a reference from the Government of Burma, and was decided in the negative. The question is, however, under reconsideration.

In January 1907 the rules regarding the use of uniform by officers in civil employ were amended so as to admit of military officers in civil employ, for whom no political or special uniform is prescribed, wearing the uniform of the corps or department to which they belong.

In August 1908 local Governments and Administrations were addressed on the question of prescribing a hot weather uniform which the Government of India had under consideration. The want of such a uniform was specially noticed by His Royal Highness the Prince of Wales during his tour in India. With a view to remedying this defect the Governor General in Council decided that an inexpensive white uniform should be prescribed, and, after consulting local Governments, the rules were, in April 1909, amplified so as to provide for it.

In January 1909 rules regarding the presentation of Indian gentlemen at His Majesty's levées by the Political Aide-de Camp received the approval of the Secretary of State for India and were communicated to the local Governments and Administrations.

44. The eighth clause of the Royal Warrant of 10th April 1900 instituting the Kaiser-i-Hind medal, as amended in July 1901, provides in the case of a person who has already received either the gold or the silver medal, for the reward of further services being recorded by a bar to be attached to the ribbon by which the medal is suspended. A design for the bar, which is oriental in character and shows distinctly that it has been given for service additional

to that for which the medal itself was granted, was forwarded to the Secretary of State in May 1906 and was approved by His Majesty the King-Emperor in October of that year.

The awards during Lord Minto's Administration were as follows :—

1906-07—Seven gold and nine silver medals ;

1907-08—Nine gold and fourteen silver medals ; also a bar to be worn with the second class medal ;

1908-09—Fourteen gold and twenty-six silver medals ;

1909-10—Seventeen gold and twenty-eight silver medals ; also a bar to be worn with the first class, and another to be worn with the second class medal.

45. Since Lord Minto's assumption of office there have been eleven admissions to the third class of the Order.

Civil Division of the Indian Order of Merit.

46. In May 1907 a representation was received from the Honourable the Chief Justice and Judges of the Calcutta High Court regarding the position to be assigned to them when they attend public

Position to be assigned to the Chief Justice and Puisne Judges of the Calcutta High Court when they attend public functions in their official and corporate capacity.

functions in their official and corporate capacity, and regarding their inclusion in notifications of the Government of India without previous reference to them. The practice followed in the matter not having been uniform, it was decided by His Excellency the Viceroy, with a view to preventing any misunderstanding in the future, that, as the Calcutta High Court does not form an integral part either of the Government of India or of the local Governments of Bengal and Eastern Bengal and Assam, the Honourable the Chief Justice and Judges of that Court should not be held to be referred to in any notifications relating generally to the officers of those Governments, but that their position at public functions should be separately notified by the Military Secretary to the Viceroy after consulting the Chief Justice on the subject. The Registrar of the High Court was informed accordingly by the Military Secretary to the Viceroy.

47. On the 30th November 1905 the Government of India forwarded to the India Office a copy of a report received from the Government of the Punjab

Natural calamities.

regarding the damage caused by the great earthquake of the 4th April 1905, in the Kangra district, and the measures taken to repair the damage and to administer relief. About 20,000 persons are believed to have perished and the damage to live-stock, crops and houses was very severe. The Secretary of State sanctioned the proposal made by the Government of India to grant, subject to certain conditions, one month's extra privilege leave to all gazetted officers who were employed in the Kangra district from any time in April 1905 till the end of the rainy season, as some recognition of peculiarly arduous duty discharged at the cost of great personal inconvenience and discomfort. About the same time the Government of India obtained the Secretary of State's sanction to the grant of pensions and gratuities to civil subordinates injured in the earthquake, and to the families of those killed, without requiring the fulfilment of the usual condition that the death must have occurred, or the injury been received, in the actual execution of a public duty which was attended with extraordinary bodily risk.

In September and October 1907 serious floods occurred in the districts of Cuttack, Balasore and Howrah causing considerable damage to house property and loss of cattle, and in August 1908 a similar catastrophe befell the Karachi District. In November of the same year a cyclone swept over Akyab, which also resulted in a serious loss of life and property. In May 1909 the Madras Government reported the occurrence of a cyclone on the 6th and 7th on the west coast of that Presidency, causing damage to the Calicut pier and wrecking 45 native vessels, with some loss of life, besides breaching some bridges and roads; and on the 17th and 18th October 1909 a severe cyclonic storm passed over the Dacca, Chittagong and Rajshahi Divisions of Eastern Bengal and Assam and the Presidency and Burdwan Divisions of Bengal. Its fullest intensity was felt at Goalundo in the Faridpur district, where a large number of steamers and flats were almost totally destroyed; but much damage was also done to the shipping on the big rivers of both provinces. Over 200 persons lost their lives in Eastern Bengal and Assam and 800 in Bengal. There was also very considerable damage to houses and property generally, and an enormous loss of cattle. On the 26th of the same month another serious cyclone passed over the Ganjam district in the Madras Presidency, causing some loss of life and considerable damage to property. All the above occurrences were duly reported to the Secretary of State.

48. The earlier stages of the scheme for sending a limited number of Eurasian

Training ship for Eurasian boys.

boys from India to be trained in a school-ship at home, regarding which the Gov-

ernment of India had for some time past been in correspondence with the Secretary of State, are described at page 323 of the summary of Lord Curzon's administration. In December 1905 the Government of India were informed that the committee of management of the school-ship "Southampton" had notified their willingness, subject to the settlement of any necessary details with the Marine Society of India, to receive twelve Eurasian boys, varying in age from 12 to 14 years, on the ship. They thereupon informed the Government of Bengal of the result of the negotiations and asked it to report the action that might be taken. In July 1906 the Government of Bengal reported that arrangements had been made for sending six Eurasian boys home to the training ship.

49. Certain proposals for the reorganization of the registration establishment

Registration Departments.

in the Bombay Presidency (excluding Sind) at an estimated total extra cost of

Rs. 30,746 a year received the sanction of the Government of India in January 1907, the main objects secured being the abolition of the system of paying sub-registrars a percentage of the registration fees in addition to their salaries, the allotment of fixed salaries to sub-registrars and their karkuns, and the grant to the latter of a pensionable status. In March 1907 the Government of India sanctioned a scheme for the reconstitution of the Registration Department in Sind, which was designed to confer on both sub-registrars and their munshis the advantages of a fixed salary and a pensionable status, and which involved an estimated extra expenditure of Rs. 5,681 a year.

In December 1909 the Government of India sanctioned certain proposals of the Government of Bombay for the further reorganization of the registration establishments in the Bombay Presidency and Sind and at Aden, the principal

features of which were an increase in the number, and an improvement in the rates of pay of sub-registrars, and the provision of a leave reserve under the designation of probationers.

In January 1910 the Government of India sanctioned the reorganization of the registration establishments in Coorg and in the United Provinces, in both cases on lines similar to those followed in the case of Bombay, the payment of sub-registrars by commission being abolished, their number being increased, and a leave reserve being provided.

50. The Act was extended with effect from the 1st January 1907 to a certain portion of the Khasi and Jaintia Hills district in the province of Eastern Bengal

Indian Registration Act, 1877.

and Assam.

51. A call from a district magistrate for subscriptions from the public for

Participation of Government officers in arrangements for reception of Heads of Provinces on tour.

the reception of the Head of his province having been unfavourably commented on in the press, the Government of India in March 1907 circulated the following rules for the guidance of officers :—(1) Government officers may co-operate with non-officials in making the arrangements for, and actually taking part in, the reception of the head of a province, and may preside over or serve on committees formed for such purpose; (2) they may not, however, solicit subscriptions for such objects; and (3) the collection of funds must be left to non-officials, to whom it must be made clear that it is entirely optional for the people to subscribe.

52. In consequence of the receipt of a number of applications for the provi-

Provision of reserved accommodation for inspecting officers.

sion of reserved railway carriages for certain touring officers, the question of the supply of reserved accommodation was decided after reference to a departmental committee, whose recommendations were generally accepted by the Government of India and embodied in the Home Department resolution no. 1564—84, dated the 9th July 1908. The Government of India held that the carriages provided for the members of the Executive Council of the Governor General and members of the Railway Board and the Director of Railway Construction should be utilised as far as possible, by being allotted to touring officers when not required by the officers for whom they were primarily intended; and that, when these carriages were not available, an officer entitled to a reserved carriage might indent for a suitable carriage belonging to the railway stock.

After consulting local Governments the Government of India in December 1908 decided that when members of the Board of Revenue, Financial Commissioners and Judges of Chief Courts were required to travel on duty within their jurisdiction, they should be supplied with a reserved first class compartment or a reserved cabin (if available) according as they travelled by railway or steamer. The grant of a reserved cabin for journeys by steamer was made subject to the usual deductions on account of messing charges. In April 1909 these concessions were extended to the Financial Commissioner in the Central Provinces, and in October 1909 it was decided to extend them to Secretaries to the Government of India when travelling on duty (except the Foreign Secretary who, under existing orders, is provided with a reserved first-class carriage).

53. At the instance of His Britannic Majesty's Chargé d'Affaires, Peking, the Government of India in January 1907 laid down, as a rule for general guidance, that in no circumstances may communica-

Procedure to be followed in addressing communications to His Britannic Majesty's diplomatic representatives in China.

tions be addressed direct by subordinate officials in India to His Britannic Majesty's diplomatic representatives in China, and that if communications have to be made to such officials, they must be forwarded to the local Government for transmission direct to the Consular Officer of the Treaty Port nearest to the place where the person who is the subject of the communication is believed to reside. Local Governments and Administrations were at the same time requested to move the High Courts and Chief Courts to issue such instructions as would ensure the proper observance of the procedure laid down in section 89 of the Civil Procedure Code in regard to the service of summonses.

54. In November 1906 the Secretary of State, at the instance of the Indian

Cruelty to animals at certain religious sacrifices in Southern India.

Humanitarian League, drew the attention of the Government of India to an article in the *XIXth Century* by the Bishop of Madras, entitled "The Village Deities of Southern India," and suggested that if possible steps should be taken towards the suppression of the cruel methods of sacrificing animals described therein. The Government of India accordingly addressed the Government of Madras on the subject in February 1907, and the local Government in reply reported, after consulting the local officers, that legislation was unnecessary at present; and that general orders had been issued by them expressing their disapproval of the cruel practices in question and instructing district magistrates to dissuade the people from resorting to them, while refraining from interference with the practices prescribed by ritual. The Government of India agreed and proposed to await the effect of the orders issued by the local Government. The Secretary of State was informed accordingly.

55. In February 1906 the India Office, at the instance of the "Church

Measures to be adopted for the prevention of the practice of flaying goats alive.

Society for promoting kindness to animals", drew the attention of the Government of

India to the practice of partially flaying goats alive which was alleged to exist both in Calcutta and in the rural districts of Bengal. It was thought that this cruel form of slaughter was due to a belief that the skin of a goat flayed alive was more elastic and that it could be stretched so as to represent a larger skin and thus fetch a higher price. The Government of India having consulted local Governments on the subject, decided in February 1908 that the matter had not then reached a stage at which it was possible to take any definite action, and suggested to the Government of Bengal that a civil veterinary officer should be deputed to visit places in Bengal where the practice prevails, and that an endeavour might be made to devise some surer means of ascertaining from the appearance of the skin whether the animal had been flayed alive or not. The reply of the Government of Bengal was received in April 1908 and the Government of India came to the conclusion that it was not practicable to undertake legislation in the direction indicated by the local Government, namely, that the sale or possession of the skin of a goat, etc., to which any portion of the skin of the head is attached, should be made illegal, since the presence or absence of the head afforded no certain indication as to the manner in which the animal had been killed. In the circumstances the only action that appeared to the Government of India to be feasible was the extension of sections 5 and 8 of Act XI of 1890 to all places in Bengal

where the practice of flaying animals alive was known or believed to exist, and it was hoped that this would at any rate go some way towards checking the practice if it did not put a stop to it altogether. The Governments of Bengal and the United Provinces and the Chief Commissioner of the Central Provinces were informed accordingly in May 1908 and a copy of the papers was sent to the India Office for information.

56. In June 1907 a proposal regarding the extension of the Act to Berar was sanctioned. With regard to a similar proposal made by the Government of Bombay in respect of the Settlement of Aden, they were informed in May 1907 that they had the requisite power of extension.

In February 1910 the Government of India wrote to local Governments and Administrations to the effect that it had been represented to them that notwithstanding the provisions of the Prevention of Cruelty to Animals Act, XI of 1890, much cruelty was still practised, particularly on beasts of burden in large towns; and in order that they might be in a position to consider whether any further steps to mitigate the evil on the part of Government were possible, they asked for a report as to the extent to which the Act had been put in force in the various provinces, how far it had been supplemented by bye-laws or police regulations in municipal towns, the means that existed for carrying out its objects, the degree of success that had hitherto attended its working, and whether it was desirable to give wider extension to the application of the Act.

57. In October 1909 the Government of Burma reported that a work-house had been constructed in Rangoon with accommodation for four males and two females, and asked for sanction to use the building for the temporary reception of European vagrants. The proposal was sanctioned.

In March 1910 the Government of Bombay referred to the Government of India a scheme under which it was proposed that Government should avail itself of the proffered co operation of the Salvation Army in dealing with the problem of European vagrants in the city. The details of the scheme were briefly as follows :—(a) The Salvation Army was to establish a "labour home" on premises rented by them in Bombay, and was to arrange for the proper supervision of the home, provide for work for the inmates, feed and clothe them, and look after them generally in their leisure moments as well as when employed; (b) in return for this the Government of Bombay was to pay the Salvation Army a capitation grant, to be calculated monthly, of Re. 1 per diem for each European vagrant admitted into the home, up to a maximum of Rs. 7,000 per annum. The scheme was sanctioned on the understanding that it should be regarded as experimental and should be subject to reconsideration on an examination of the results of the first year's working.

58. During Lord Curzon's administration it was decided that natives of India visiting England and other foreign countries should be invited to provide themselves with certificates of identity, and that duplicate copies of the certificates issued, and a quarterly return thereof, should be sent to the India Office. In 1906, at the instance of the Government of Bombay and after reference to the Secretary of State, instructions were issued extending this arrangement also to the case of passports supplied to natives of India proceeding to Europe. As it appeared that occasionally undesirable Indians were called

Prevention of Cruelty to Animals Act, 1890.

Working of the European Vagrancy Act, IX of 1874.

Certificates of identity and passports.

to the Bar without the Benchers having any knowledge of their antecedents the Government of India asked the Secretary of State to consider whether it might not be suggested to the Inns of Court that they should pass a rule that no Indian should be allowed to enter their society as a student unless he produced a certificate of identity. The local Governments were at the same time directed to scrutinize carefully all applications for certificates of identity made by Indians proceeding to England with the object of being called to the Bar. In September 1909 the Secretary of State called attention to difficulties experienced in England, in the absence of information as to the applicant's character, in dealing with applications made by natives of India for the grant of passports entitling them to assistance and protection from His Majesty's representatives in foreign countries, and pointed out that the certificates of identity which such persons usually brought from India gave no indication whether the holders were fit persons to be entrusted with passports. The Government of India requested local Governments to issue confidential instructions to all officers authorized to grant certificates of identity to record any necessary remarks regarding the character and antecedents of the grantee of a certificate on the copy sent direct to the India Office, but not on the original certificate handed to the applicant. The local Governments were also requested to give the widest possible publicity to the desirability of students and others about to leave India providing themselves with certificates of identity before their departure.

59. The procedure followed by the local Governments for the disposal of treasure trove coins being by no means uniform, the Government of India considered it desirable that the orders issued from time to time on the subject should be consolidated with such amendments as altered conditions might require. A resolution was accordingly issued on March 30, 1907, laying down instructions regarding the skilled examination of coins, the selection and distribution of specimens and the disposal of the surplus. It was also suggested that the local Governments should publish the results of the examination of treasure trove during the year in any annual report which they desired, and that the Director General of Archæology should arrange for the preparation of a summary to appear in his annual report. Revised rules drawn up in accordance with these instructions have been framed by local Governments; and the Darbars agreed generally to co-operate with the Government in regard to the preservation of treasure trove in Native States.

60. In the middle of 1907 numerous telegrams and petitions were addressed to the Government of India by the Jains protesting against a proposal to grant leases for erecting buildings on Parasnath Hill in the Hazaribagh district, which they alleged had always been regarded by them as sacred. These communications were forwarded to the Government of Bengal for an expression of His Honour the Lieutenant-Governor's views on the subject. In a letter dated November 15, 1907, the local Government submitted the following proposals:—
 (1) that the central ridge of the Parasnath Hill range should be reserved for the Jains, as also the pilgrim path from Madhuban on the north of the hill; (2) that this ridge should be sold to the Jains, or leased to them in perpetuity, if they paid a fair price for it; (3) that the western spurs should be thrown open for building sites for Europeans and the eastern portion for Indians;

Proposed grant of leases for erecting buildings on Parasnath Hill in the Hazaribagh district.

and (1) that a new road, which should avoid the central ridge, should be constructed from Nimiaghat station on the south of the hill to the new settlements.

The Government of India in a letter dated March 12, 1908, approved these proposals, and they asked that the necessary orders should be communicated to the Jain community with the request that they should cause them to be widely circulated to the rest of the people interested. Further difficulty arose, however, in connection with the grant of the proposed lease to the Jains, owing to competition arising between the two rival sects, the Svetambari, with whom the agitation had originated, and the Digambari, who admittedly did not share the rights of the former sect in the hill. After prolonged negotiations, during which the Svetambaris consistently declined to accept the terms he offered, the Lieutenant-Governor of Bengal finally agreed to give the lease, on the same terms, to the Digambaris. The result was a memorial to the Government of India from the Svetambaris. The Government of India were of opinion that the settlement arrived at could not form a satisfactory solution of the difficulty, and therefore asked the Government of Bengal to obtain the opinion of its legal advisers on the possibility of withdrawing from the agreement made with the Digambaris. On receipt of this opinion the Government of Bengal were advised to withdraw from their agreement and to reopen negotiations with the Svetambari sect.

61. In February 1907 the Secretary of State forwarded a copy of certain Funeral charges of destitute Indians who die at Shanghai and other cities in China. correspondence regarding a claim preferred by the Consul-General, Shaughai, for the re-imbursement of the expenses incurred by him in connection with the funeral of one Ouran Singh, a destitute British Indian. The claim was rejected by the Government of India and the case was thereupon represented to the Secretary of State, who declined to be bound by the agreement of the Consular authorities at Shanghai, which made the Government of the country to which the deceased belonged liable for such charges. Some further cases were laid before the Secretary of State by the Consul-General and he considered it undesirable to resist the claims in respect of natives of India when all the Consuls at Shanghai had agreed to accept them on behalf of their respective Governments. Although no general liability of Indian revenues was admitted, it was decided that each case should be considered on its merits.]

62. In July 1907 the Secretary of State asked for the views of the Government of India in respect of a bequest of Bequest of the late Colonel Hector Mackenzie. some £5,000 made to them by the late Colonel Hector Mackenzie under certain conditions for the establishment, or in aid, of some public charitable institution or institutions in the Central Provinces. The Government of India informed him in reply that they did not anticipate any difficulty in giving effect to the wishes of the donor and that they were prepared to accept the bequest and to utilize the money in the manner indicated in the will.

In February 1909 the Chief Commissioner at the request of the Government of India made detailed proposals for distributing the money as follows :—

			Rs.
(1) To the Bishop's School, Nagpur	...	...	16,000
(2) To the Morris College, Nagpur	...	...	15,000
(3) To the Dufferin Fund, Jubbulpore, for extension of the Elgin Hospital and provision of parda wards	...	...	15,000

	Rs.
(4) To the Mure (Women's and Children's) Hospital, Nagpur (connected with the Free Church Mission) for erection of a phthisis ward	15,000
(5) To form a Hector Mackenzie Trust Fund for charitable assistance to poor Europeans and Eurasians ... the balance (say,	Rs. 26,000.)

In August 1909 the Government Solicitor, Calcutta, was asked to institute a suit under section 92 of the Civil Procedure Code for the settlement of a scheme for the administration of the Trust on the lines suggested by the Chief Commissioner of the Central Provinces.

63. During Lord Curzon's administration the Government of Bombay referred the question whether the Official Assignee of Bombay should be permitted to accept directorships of public companies. After consulting the other local Governments concerned, the Government of India in July 1906 pronounced it inadvisable, as a matter of principle, that such officers should hold directorships in public companies, except in special cases; but expressed the opinion that, Official Assignees being officers of the High Court, the Court would know whether objection could be taken to their holding directorships either under the terms of their appointment or under the provisions of Act XV of 1848.

In August 1905 the attention of Lord Curzon's Government was drawn to the fact that subscriptions had been contributed by certain Government servants to defray the expenses of the deputation to England of a delegate of the Indian National Congress to enable him to carry on a political agitation in that country. It was held that to subscribe to an agitation was to take a very active part in it, and that it was desirable to include a specific injunction to that effect in the Government servants' conduct rules, 1904. An amended rule was accordingly issued in December 1905 in order to make it clear that a Government servant may not take part in, or subscribe in aid of, any political movement in India or relating to Indian affairs.

In April 1907 the Government of the United Provinces raised the question whether Government servants should be permitted to invest money in co-operative credit societies and proposed to prohibit such investments. The Government of India after consulting other local Governments decided that it is not ordinarily advisable to permit members of the Executive or Judicial Services to invest money or make deposits in co-operative credit societies, but that local Governments should have discretion to decide whether in special cases any relaxation of the rule on the subject was advisable. Rules 11 and 13 of the Government servants' conduct rules were amended accordingly in September 1908.

In August 1907 the Government of Bombay suggested that the principles of the rules for the conduct of Government servants should be extended so as to govern the conduct of pensioners, and that the latter should be prohibited from taking part in any political movement in India or relating to Indian affairs. In reply the Government of India said that it appeared to be doubtful whether they possessed anything more than a very limited authority over the conduct of pensioners: that in respect of political agitation the practice which had been deliberately adopted in the past was to leave retired officers complete freedom of action: that the pension of an Indian civilian could not apparently be reduced for any misconduct or even for a criminal offence: that in the case of other pensioners it might be held that the pension is granted subject

to the conditions laid down in Article 351 of the Civil Service Regulations, which reserves to the Government the right to reduce the pension or withdraw it altogether in the case of a serious crime or grave misconduct: that to take part in or subscribe in aid of a political movement would not, in their opinion, amount in ordinary circumstances to grave misconduct: that public servants are forbidden to mix themselves up with political movements, because such action on their part is likely to be misconstrued and to impair their public usefulness: that these reasons are not applicable to the case of a pensioner: and that it seemed unnecessary to impose any restrictions upon their conduct beyond those laid down in Article 351 of the Civil Service Regulations under which their pensions are liable to reduction or withdrawal if they take part in a movement that is proved to be seditious. In view of these considerations the Government of India were unable to accept the proposal made by the Government of Bombay.

In August 1908 the Government of Bombay represented that although pensioners were not debarred from taking part in political movements in India or relating to Indian affairs, it was desirable to warn such of them as were engaged in seditious proceedings that by taking part in them they render themselves liable to be held guilty of "grave misconduct" within the meaning of article 351, Civil Service Regulations. The Government of India approved the proposal on the understanding that only individual pensioners should be warned and that no general warning should be issued. It was also suggested that the warning should take the form of drawing attention to the provisions of article 351, Civil Service Regulations, so that it might be clear that there was no intention of extending the scope of that article.

In connection with the acceptance by an officer of the Indian Civil Service of a small wedding present from a native gentleman of Aligarh it was held by Lord Minto's Government that without a revision of the Government Servants' Conduct Rules, 1904, it was open to Government to interpret them liberally. Local Governments were informed accordingly that a strict observance of the principle underlying rule 2 of those rules was likely to cause more harm than good, and that it would be politic to make exceptions occasionally in cases in which the local Government was satisfied that there was no reasonable objection.

At a meeting of the Imperial Legislative Council held on the 27th March 1908, the Hon'ble Nawab Saiyid Muhammad Sahib Bahadur suggested certain changes in rule 9 of the Government Servants' Conduct Rules the effect of which would be to render members of the subordinate civil services subject, in respect of the acquisition of immovable property, only to rule 10, which merely requires a declaration of such property acquired and no previous sanction to the acquisition, and to remove the restriction upon the employment of a native member of the Indian Civil Service or an officer holding a post reserved for members of that service and of any Government servant belonging to the provincial civil services within the district or local limits within which he might possess immovable property. After consulting local Governments it was decided not to proceed with the proposed amendment. The rule was however altered so as to permit local Governments which are now authorized to sanction the acquisition of immovable property by certain classes of Government servants, to delegate this power to selected heads of Departments. It was held in October 1908 that rule 9 was not intended to apply to the acquisition by these officers of immovable property in a province with the administration of which they

were not concerned, and that the previous sanction of the local Government was not therefore necessary in such cases. It was however pointed out that a declaration of any immovable property acquired without reference to the local Governments was required under rule 10. All local Governments were informed of this decision.

64. The concession by which members of the European services employed in Burma are allowed to accumulate privilege leave up to a maximum of three months and fifteen days, or to overstay such leave by fifteen days was originally sanctioned, as a temporary measure, in 1891, and its extension up to June 30, 1906, was approved by the Secretary of State in 1902. On a representation from the Government of Burma, the Government of India, in May 1906, recommended to the Secretary of State that the concession be made permanent in the case of such officers in Burma as take privilege leave by itself and spend it beyond the limits of Burma or of India. The Secretary of State sanctioned the proposal in July 1906.

65. At the instance of certain Chambers of Commerce the question whether Whit-Monday and the 24th May, the late Queen-Empress' birthday, should be declared to be public holidays, and also whether His late Majesty the King-Emperor's birthday, which was celebrated in June, should be observed instead on the actual date of His Majesty's birth, *viz.*, the 9th November, came up for consideration in 1906. The proposal to grant a holiday on Whit-Monday was not supported by the local Governments. The 24th May appeared to the Government of India to be an unsuitable day for a public holiday as it occurs during the hottest season of the year when ceremonial parades are attended by circumstances of great discomfort. Moreover, since the holiday regularly given on the 1st January may be regarded as an "Empire Day" peculiarly appropriate to India, the Government of India thought it unnecessary to fix another day for that purpose. It was considered that as the 16th June or some day towards the end of that month had been fixed by His late Majesty the King-Emperor himself as the date on which his birthday should be celebrated in India, it was undesirable to ask that any alteration should be made. For a variety of reasons, that date was found more convenient for official celebrations than the 9th November. None of the suggestions referred to above were therefore accepted and the local Governments concerned were asked in March 1907 to inform the Chambers of Commerce accordingly.

In August 1903 the Government of India, in consequence of a recommendation made by the Royal Commission on Decentralization, withdrew the restrictions placed by various orders issued in 1901, and subsequently, on the power of local Governments to fix all holidays, whether notified under section 25 of the Negotiable Instruments Act, XXVI of 1881, or announced by executive authority.

66 During the year 1908, and subsequently, the Secretary of State, on the recommendation of the Government of India, sanctioned the grant of pensions or additional pensions to twenty-one persons in consideration of services rendered by them, or by their relatives, in the Indian Mutiny. But in August 1909 he requested the Government of India to point out to local Governments the necessity for very careful investigation of requests for mutiny pensions.

Grant of pensions or additional pensions to certain persons in consideration of services rendered by them, or by their relatives, during the Indian Mutiny.

67. In May 1906 a proposal was put forward by the Chief Commissioner of the Central Provinces for the extension to Berar of the Transfer of Property Act,

Transfer of Property Act, 1882.

modified in certain respects. The Government of India, however, decided not to accept the suggested modifications of the Act, which would have involved a difference between Berar and the Central Provinces in the application of the law ; but they expressed their willingness to extend the Act, as it stood, to Berar if the Chief Commissioner so desired. This suggestion was accepted by the Chief Commissioner, after consulting the Judicial Commissioner, and the Act was accordingly extended to Berar with effect from the 1st July 1907.

The inconvenience and uncertainty resulting from conflicting rulings of High Courts on many of the sections of the Transfer of Property Act had been brought to the notice of the Government of India from time to time for some years past, notably in a letter dated the 21st August 1903 in which Sir Robert Fulton (then the Hon'ble Mr. Justice Rampini) had discussed the matter in detail and suggested a general revision of the Act. The Government of India, however, although they recognised the public inconvenience involved in the existing uncertainty, had not found it possible to undertake this revision. In 1909 they decided to amend and consolidate the Act as soon as the programme of legislative business permitted ; and they accordingly supplied local Governments and Administrations with copies of the accumulated suggestions on the subject, and asked for their advice generally as to the lines on which amendment should proceed.

68. In May 1909 the Secretary of State referred to the Government of

Recovery of the estates of British Indians who die in Russian territory.

India a question raised by the Foreign Office regarding the recovery of the estates of the British Indians who die in Russian territory. It was stated that up to the present the Russian Minister for Foreign Affairs has apparently taken the necessary measures for the recovery of these estates at the request of His Majesty's Ambassador at St. Petersburg : but that the Russian Government intended in future to insist strictly upon the procedure prescribed by law for these cases. It was accordingly suggested by the British Ambassador at St. Petersburg that the Russian Government might be moved to extend the provisions of the declaration regarding the disposal of the estates of British seamen dying in Russian territory to those of British Indian subjects under similar conditions. The effect would be that all estates not exceeding £50 in value would be summarily recovered and remitted to the nearest British Consul without being subject to any of the formalities usually required by Russian law. In asking for the views of the Government of India on this suggestion the Secretary of State observed that the Russian Government would probably require reciprocity of treatment with regard to Russian subjects who die in British Indian territory. The question was referred in October 1909 to the Government of Bombay for remarks and suggestions and it has been decided that the procedure applicable to British seamen is not suitable to the case of British Indian subjects dying in Russian territory. In August 1910 the Government of India submitted counter proposals to the Secretary of State for a settlement of this question.

69. In connection with a reference from the Madras Government a question was raised in December 1905 as to the precedence to be given to the Roman

Warrant of Precedence.

Catholic Archbishops. Lord Minto held that it would be a mistake to give any general ruling on the point, and that if precedence were given to Archbishops,

the question of precedence of all denominations of the clergy would arise, which would be a most difficult question to determine.

During the years 1905 to 1907 various officers who had not previously appeared in the warrant were assigned specific place in it in accordance with the authority held by the Government of India to make such additions.

In May 1907 the Secretary of State invited the attention of the Government of India to the subject of the precedence in India of the wives and daughters of baronets. The Government of India were of opinion that there were not sufficient grounds for altering the existing rule which had been in operation without any substantial change since 1850, *viz.*, that all ladies should take place according to the rank assigned to their respective husbands, with the exception of wives of peers and ladies having precedence in England independently of their husbands, and who were not in rank below the daughters of barons. As a baronet is not a member of the House of Peers, it seemed convenient and appropriate that the recognition of the claims of ladies should stop at the wives of barons: if the wives and daughters of baronets were recognised in the Warrant of Precedence for India, it would be difficult to resist the claims of such ladies as the wives of the younger sons of viscounts and barons who under the English rules of precedence rank above the wives of baronets. For these and other reasons the Government of India were decidedly of opinion that no change should be made in the direction suggested.

In July 1908 a resolution was issued appointing a Committee to consider the subject of the revision of the existing Warrant and to discuss and report on the matter. A copy of this resolution was forwarded to the Secretary of State with the intimation that on receipt of the report of the Committee the Government of India would determine what recommendations should be made for submission to His Majesty the King, Emperor of India. The Committee's report, which was submitted in March 1909, is under consideration.

70. His Majesty's Government having determined to appoint a Royal Commission to report on the advisability of a larger degree of decentralization in the civil administration of British India, the Government of India in their resolution dated the 8th August 1907, appointed a preliminary departmental Committee under the presidency of Mr. W. S. Meyer, C.I.E., (now Sir William Meyer, K.C.I.E.) Secretary to the Government of India in the Finance Department, to prepare materials which would facilitate the deliberations of the Commission. The duty of the Committee was to prepare memoranda showing in detail the character and extent of the control—legislative, financial and administrative—exercised by the Government of India in respect of Provincial Governments, and by these latter over their Boards of Revenue, Financial Commissioners, and other heads of departments as well as over District Boards, Municipalities and Port Trusts.

In his despatch dated September 20, 1907, the Secretary of State formally intimated the appointment of a Royal Commission by His Majesty the King "to enquire into the relations now existing for financial and administrative purposes between the Supreme Government and the various Provincial Governments in India, and between the Provincial Governments and the authorities subordinate to them; and to report whether, by measures of decentralization or otherwise, those relations can be simplified and improved and the system of Government better adapted to meet the requirements and

promote the welfare of the different provinces and, without impairing its strength and unity, to bring the executive power into closer touch with local conditions ”

The Commission was constituted as follows :—

C. E. H. Hobhouse, Esq., M.P., Under Secretary of State for India	<i>Chairman.</i>	Sir Henry William Primrose, K.C.B., C.S.I., was appointed originally as Chairman, but he resigned.
The Hon'ble Sir Steyning Edgerly, K.C.V.O., C.I.E., I.C.S.	} <i>Members.</i>	
Sir Frederick Lely, K.C.I.E., C.S.I.		
W. S. Meyer, Esq., C.I.E., I.C.S.		
R. C. Dutt, Esq., C.I.E.		
W. L. Hichens, Esq.		
H. Wheeler, Esq., I.C.S.		
	<i>Secretary.</i>	

The Royal Commission began its tour of inquiry in November 1907 and completed its investigations in this country in April 1908.

The Commission's report, which was published in England on the 27th February 1909, was formally communicated to the Government of India by the Secretary of State in April 1909, with the request that their views upon the Commission's recommendations might be conveyed to him in separate despatches prepared in the several Departments concerned.

Of the various proposals appertaining to the Home Department, which are dealt with in the report, a large number have been referred to the local Governments and most of these are awaiting consideration in the light of their opinions, while in a number of cases final orders have been passed either after consulting the local Governments or without a previous reference to them. The more important of the decisions are briefly indicated below :—

- (i) the restrictions placed by the orders of 16th September 1901 on the power of local Governments to fix all holidays, whether notified under section 25 of the Negotiable Instrument Act, 1881, or announced by executive authority, have been withdrawn ;
- (ii) instructions have been issued to the local Governments for instituting periodical inquiries, as suggested by the Commission, with a view to the discontinuance of such of the existing reports and returns as may be considered unnecessary, and to the modification and simplification of others ;
- (iii) with regard to the Commission's suggestion that there should be "some relaxation of the restrictions which have been placed upon the touring of the Members and Secretaries of the Supreme Government," it has been decided not to propose any change in the existing rules which allow of as much touring as is possible ;
- (iv) certain special limitations under which the Chief Commissioner of the Central Provinces was debarred from making appointments to high posts in the Central Provinces and Berar Commissions without previous reference to the Government of India have been withdrawn ;
- (v) with reference to the Commission's recommendations that the powers of the local Governments in regard to the filling up of "listed" or "reserved" appointments should be extended and that the specific sanction of the Secretary of State should no longer be required for filling certain Accountant-Generalships, the existing rules under section 6 of the Government of India Act, 1870 (33 Vict., Chapter 3) have been revised and new rules framed, with the sanction of the Secretary of State, giving effect to the Com-

mission's recommendations as far as is possible under the existing law ;

- (vi) after considering the opinions of the Local Governments in regard to the Commission's recommendations on the subject of selecting officers for appointments in the Civil Secretariats and the length of the tenure of such appointments, the Government of India have come to the conclusion that it is essential to the smooth and efficient working of the machinery of Government that local Governments should have a free hand in selecting officers to man their Secretariats and subject to this general reservation they have merely indicated general principles which should ordinarily be followed in these cases.

